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NEW YORK AS AN EIGHTEENTH CENTURY MUNICIPALITY

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PART I PRIOR TO 1731

BY ARTHUR EVERETT PETERSON

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PART II 1731–1776

BY GEORGE WILLIAM EDWARDS

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PREFACE

The title of this monograph requires some explanation. It is found in the fact that the real turning point in both English and American history was not the close of the year 1700, a date merely marking the end of one century and the beginning of the next, but rather the years 1689–1690. Conditions in the period intervening were essentially those of the eighteenth century. Therefore in the treatment of New York as an eighteenth century municipality we are justified in beginning at least as far back as 1689. But the conditions which existed before that date, and even as early as the close of the Dutch period, were not fundamentally different from those which were contemporaneous with the English Revolution. In order, therefore, to explain political situations and official functions as they appeared at any date after the English occupation, much attention must be devoted to the Dutch municipalities of New Amsterdam and New Orange, as well as to the early government of the city under the English.

Such a study, with a prospect of yielding anything like accurate results, was impossible until the common council minutes of pre-revolutionary days had been printed and indexed. In the preface of the minutes, published in eight volumes in 1905, the editors stated their belief that "the printing of these minutes was a necessary condition for the study of the early growth of city government in this country."

The authors of existing histories of New York City would not claim that they were treating the city as a muni-

cipality. The most recent of these, Mrs. Schuyler Van Rensselaer, in the preface of her admirable work, states that "a history of the municipality strictly considered as such, showing in detail the genesis, character, methods, and resources of the city government from its modest Dutch beginning in 1653 until the present time" would be well worth writing. If such a history of any municipality, American or English, were in existence, the authors would have had an available guide. As it is, they have been obliged to "blaze a path." They realize fully that there may be documents as yet undiscovered which will lend to statements a different color or occasionally make a conclusion untenable. They simply express the hope that this joint work may prove useful until there shall be something better. The best can come, however, only after the thousands of loose papers in the custody of the city clerk are indexed, at least, and after the court minutes are made available in printed form.

The year 1731 was selected as an appropriate point at which to divide the work, because the Montgomerie charter was granted then; also because that was the time when the newspapers and controversial literature begin to afford material for study. A difference in the source material after 1731 as compared with the earlier period, suggested a somewhat modified topical arrangement for the second part.

The authors desire to express their gratitude to Professor Herbert L. Osgood, chairman of the publication committee of the *Minutes of the Common Council* at whose instigation the work was undertaken and under whose encouraging and patient guidance it has come to fruition; to Dr. Austin Baxter Keep, of the Department of History, College of the City of New York, an associate of Professor Osgood in the editing of the

colonial records, who has read much of the manuscript and the proof throughout, and whose suggestions as to both content and phraseology have been invaluable; to Victor Hugo Palsits of the New York Public Library, who read critically the introductory chapters, and whose extensive knowledge of source material has been imparted to both authors most generously; to Professor Howard L. McBain, of Columbia University, who read the manuscript critically and offered timely suggestions; to Mrs. Maude Gridley Peterson, who turned aside from her botanical studies to investigate, collate and copy source material.

Thanks are also due to Mrs. Schuyler Van Rensselaer who loaned rare books from her private collection; to Dr. A. J. Korey, of Stuyvesant High School, who read the manuscript of part two with particular attention to form, to Miss Edna Hahn of the Evander Childs High School, who gathered some important matter from German works, and to Mr. Thomas Mulligan, whose close acquaintance with court records has been of great service.

ARTHUR EVERETT PETERSON.
GEORGE WILLIAM EDWARDS.

NEW YORK, *March 17, 1917.*

NEW YORK AS AN EIGHTEENTH CENTURY MUNICIPALITY

PART I

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NEW YORK AS AN EIGHTEENTH CENTURY MUNICIPALITY

Prior to 1731

BY

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New York
COLUMBIA UNIVERSITY
LONGMANS, GREEN & CO., AGENTS,
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1917

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ARTHUR EVERETT PETERSON

To the Memory of

WILL SHARPAS

CITY CLERK FOR NEARLY HALF A CENTURY

ENDING IN 1739

WHOSE CARE IN KEEPING AND PRESERVING

THE RECORDS OF THE CITY

MERITS THE WARMEST TRIBUTE

THIS MONOGRAPH

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DEVOTEDLY INSCRIBED

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CHAPTER I

Introductory—Government

The infant city of New Amsterdam in 1653 was small in area, small in population. From the wall south to the water was a scant half-mile. The length of the wall representing the greatest latitudinal reach of the city was about the same. North of the wall was wildness or possibly wilderness. From the water's edge narrow streets that had grown, or better, were growing out of lanes, reached up the hill toward the wall. This wall and the fort at the island's tip end were two evidences, at least, of the fact that a garrison was a permanent part of the town's equipment. Within the area of the fort was the church, peace being guaranteed by military strength. Out of the space bordering the fort on the land-side quite naturally a broader road led northward—the Broad Way. What later became Broad Street was then a ditch or inlet from the harbor, the Graght, as the Dutch called it. The story of how pathways fringed this inlet on either side until orders were given to fill it in is told in the third chapter, entitled "Regulation of Land and Streets."

The visitor to the young city would also be impressed very quickly with the commercial aspect of the place. Within easy reach of the fort eastward were the weigh-house and dock—the one dock that served the municipality for over half a century. The care of this dock was one of the government's most vexing problems. Which would work the better, to pay a dock-master a salary and look to him to

collect all revenues and deposit such in the city treasury, or to lease the dock and its revenues to the one who would offer the most at a "public outcry," expecting the lessee to keep the dock in repair? The experiments with both systems are delineated fully in the chapter on "The Dock." Practically overlooking this shipping centre was the first city hall, where Dutch burgomasters and schepens deliberated and were later succeeded by the English mayor and aldermen, or common council.

A ferry to Long Island had become a necessity before the city was chartered; this came under municipal regulation speedily and called forth extended deliberation and, indeed, litigation.[1] It was a long time before the North River strand came to have anything like the busy aspect of the shore facing Long Island. It was along this East River line that the city found ready sale for many "water lots" in the late seventeenth and early eighteenth centuries. Funds from this source helped to construct a new city hall in 1699.[2]

This limited area was occupied by less than 120 houses and perhaps a thousand people when rights of municipal government were first granted to the community.[3] Ten years earlier, when Father Jogues, the Jesuit missionary, was here on his way back to France, he wrote that there were men "of different sects and nations,[3] and that the director general told him "there were men of eighteen different languages"[4] in the town.

This cosmopolitan quality of our citizenship so early is a tradition for which explanation is rarely offered. It is not to be forgotten that the province of New Netherland was not

[1] Ch. v, p. 141. [2] Ch. iii, p. 88.

[3] Brodhead, J. R., *History of the State of New York*, vol. i, p. 623 (quoted from *Albany Records*, vol. iv, pp. 206, 218, etc.).

[4] Letter in *New York Historical Collections*, second series, vol. iii, p. 215.

a product of the Dutch government, but rather of a trading company whose membership knew no national limits. The wool trade for several centuries had made Hollanders intimate with Englishmen across the channel. Amsterdam had seen vessels flying all colors entering her harbor. Coins of all nationalities were exchanged at the Bank of Amsterdam. Separatist "pilgrims" from England had made their home in Holland for several years before they started on the voyage that brought them to Plymouth Rock. Dutch and English sailors side by side had opposed the progress of the Spanish Armada.

So it was natural rather than surprising that fortune-hunters from many nations were numbered among the populace of New Amsterdam.

A community with such a meagre population sought municipal rights in 1653; such a request would seem strange in these days; indeed, it was strange then. Municipal governments were rare in the thirteen colonies. New York was one of but seventeen as late as the Revolution. The student of European history will remember that European cities owed their existence in most cases to a community desire for special privileges—privileges which they wanted badly enough to pay high for to their lord or king.

There was no English colony on the Atlantic coast whose voice in the government was so slight as in New Netherland. A petition to the West India Company for municipal rights was the most obvious thing. It was a popular reaction against arbitrary rule. This arbitrary rule was felt the more because the provincial director resided not somewhere up the river, but on this same lower end of Manhattan Island. It is no mere tradition that Director-General Stuyvesant parted with some of his prerogatives grudgingly when directed to do so by the company. Also the very limited degree of freedom the director assumed to

grant the new municipality is a matter of record incapable of erasure.[1]

A routine of municipal government had become well established by 1664, as a glance at the records of New Amsterdam clearly shows. The traditions of the "Vaterland" were easily followed; "as is the custom in the Fatherland" appears again and again. Raising the English flag over the fort did not interrupt or change this routine to any such degree as some writers would have us believe. The very fact that Stuyvesant had held the reins so tightly over the chartered city was one reason, of course, for non-resistance to English authority. But there was already a goodly sprinkling of Englishmen among the population, and they welcomed the dethronement of the Dutch ruler. There was no sudden change even in the titles of the city officials. Burgomasters and schepens continued to be the terms used for several months before the change to mayor and aldermen was made.

Even under these new names the procedure of the past was followed very closely in administrative sessions, while judicial matters were conducted by identical officials in separate session. True to English tradition we find the jury introduced,[2] but this did not imply a great change. The spirit of the English jury always had reflected to an extent the Dutch method of choosing an arbiter or arbiters "to decide between the two,"[3] a method which was not wholly displaced now.[4] The court messengers—sometimes called city messengers—continued as before under the name,

[1] Osgood, H. L., *American Colonies in the Seventeenth Century*, vol. ii, chs. v, vi and vii.

[2] *Records of New Amsterdam*, vol. v, pp. 267, 279-80.

[3] *Ibid.*, vol. iii, p. 147; vol. iv, pp. 2, 21, 100.

[4] *Ibid.*, vol. v, pp. 270, 273; vol vi, pp. 324, 325.

at first, of sergeants,[1] later known as marshals.[2] Schout Allard Anthony, now rechristened sheriff[3] by Governor Nicolls, continued his prosecuting work as before. The governor before swearing in this new board was careful to declare that he had nothing to say "against the service of those retiring nor against their demeanour."[4]

Joannes Nevius, Dutch secretary, became English secretary.[5] This does not mean that he had to write or did write in the English language, the majority of the records from 1665 to 1673 being in Dutch.[6] Secretary and sergeants, too, were appointed by the new board of magistrates at their first meeting, June 15/25, 1665. They also appointed a constable for the village of New Harlem. Included in the oath that these officials took were promises to preserve the peace, to execute faithfully the warrants of the court and to appoint a deputy in case of absence.[7]

Since August 16, 1660, the unincorporated village of New Harlem had had an Inferior Court of Justice made up of three appointees of Director-General Stuyvesant, one of whom was designated to represent the schout there. A limited degree of legislative power was also granted to this court.[8] This was the beginning of what might easily have become an entirely independent government for this portion of the island. Governor Nicolls, however, discerned laxity among the officials there, and in his proclamation of June 12/22, 1665, constituting the new municipal government heretofore described, declared "That the Inhabitants of New

[1] *Rec. N. Am.*, vol. v, pp. 252, 301. [2] *Ibid.*, vol. vi, p. 217.

[3] *Ibid.*, vol. v, p. 251. [4] *Ibid.*, vol. v, p. 251.

[5] *Ibid.*, vol. v, p. 252 (Nevius was soon succeeded by Nicholas Bayard).

[6] *Ibid.*, vol. v, p. 252. [7] *Ibid.*, vol. v, p. 254.

[8] *Albany Records*, vol. ix, p. 371, quoted in Riker, James, *History of Harlem*, p. 196.

Yorke, New Harlem, with all other His Majesty's Subjects, Inhabitants upon this Island, . . . are, and shall bee for ever, accounted, Nominated and Established, as one Body Politique & Corporate, under the Government of a Mayor, Aldermen and Sheriffe." [1] In accordance therewith we are prepared to find this new "government" notifying the magistrates of New Harlem that they are "discharged from their office." At the same time the new constable for the locality was authorized to select "three or four persons, who shall have to decide any differences or dispute to the extent of five pounds sterling." An appeal from their decision might be taken to the mayor's court, provided the appellant paid the constable six stivers and the costs involved.[2] Two cases of such appeal are recorded in the court minutes of New Amsterdam on October 3 of the same year.[3] After mentioning one other slight change we shall have the Dutch government properly anglicized. This was the action of the court in doing away with the office of treasurer and in making the collector of monies custodian and disburser of the same—no disbursement being permitted without the order and signature of the mayor and secretary.[4]

One most interesting incident in municipal history must be associated with the nine years that elapsed before New York became New Orange. It occurred on the arrival of Lovelace to succeed Nicolls as governor in 1668, and took the form of an expression of willingness both on the part of the Duke of York and the new governor to consent to any "reasonable and practicable" changes "for the better regulation" of "Your Corporation" as the mayor and aldermen should suggest. Tokens of good will in the shape of a cor-

[1] *Rec. N. Am.*, vol. v, p. 249.
[2] *Ibid.*, vol. v, p. 254.
[3] *Ibid.*, vol. v, pp. 296, 297.
[4] *Ibid.*, vol. v, p. 255.

poration seal, a silver mace and gowns for the magistrates accompanied this generous expression.[1] The only suggestion offered was that of a return to the Dutch custom of the governor's choosing the magistrates from a double number presented to him by the magistrates in office. This plan was adopted at once and the first choice from such nominations was made, October 9, 1669.[2] There seems to have been a due amount of care that a portion of those chosen should be Dutchmen.

After New York had been newly christened New Orange, in the summer of 1673, with the Dutch again in control, it immediately became evident that there was no idea on their part of reciprocating English liberality in municipal office sharing. The mayor in office, John Lawrence, was an Englishman and so ex-Mayor Steenwyck was directed to call the burghers together for the purpose of appointing "either four, six or more from their midst" to confer with the Dutch admirals. Six men were appointed—all Dutchmen.[3] These delegates were ordered to call another meeting which should present a list of nominees for burgomasters and schepens. There was this interesting limitation, however, that these nominees must be of "the Reformed Christian Religion" and also be men of property. If this régime had been permanent, the municipality would have had class and religious distinctions to live down. A real Dutch magistracy of schout, burgomasters and schepens assumed office, August 17, 1673. To them the late Mayor Lawrence was called upon to surrender seal, mace, and magistrates' gowns. Constables' staves were also called in.[4]

This newly ordained magistracy was quite ready, however, to accept any additional prerogatives that had accrued

[1] *Rec. N. Am.*, vol. vi, pp. 198-9.
[2] *Ibid.*, vol. vi, p. 201.
[3] *Ibid.*, vol. vi, pp. 395-6.
[4] *Ibid.*, vol. vi, pp. 397-9.

during the English period; the whole island was theirs to rule. At once they chose for New Harlem and also for the increasingly important region "on this side of Haerlem" an under-schout and schepens, corresponding to the aforementioned English officials for New Harlem. Both localities were allowed the "Fatherland" practice of nominating double the number of officials required to fill the offices.[1] For each of these localities, instructions—minutely detailed—issued from the "Worshipful Court,"[2] which in turn was instructed by the "Honorable Honor Governor General."[3] These instructions would demand our serious consideration if they had been destined to enjoy a longer life. We may stop to observe one curiosity—that, after a motion had been put by the "first Burgomaster," the governor's commissioner, who was the presiding officer, voted first and then the burgomasters and schepens in turn according to rank, the president coming in for another vote in case of a tie.[4] In general the purpose of all the instructions was that the instructor might retain the whip hand.

Incidentally, the instruction whereby the burgomasters and schepens were called upon to accept a deputy from the governor as a presiding officer was much resented by those magistrates and well nigh disrupted the government. The magistracy yielded only under the governor's threat to discharge its members from office.[5] In a case before the court a few weeks later, Minvielle *vs.* Bedloo,[6] we are not surprised to find the burgomasters and schepens all voting against Captain Knyf, who presided "on behalf of the Governor."

Under threatening skies of this sort the municipal bark

[1] *Rec. N. Am.*, vol. vi, pp. 400-401. [2] *Ibid.*, vol. vii, pp. 21-25.
[3] *Ibid.*, vol. vii, pp. 36-39. [4] *Ibid.*, vol. vii, p. 37.
[5] *Ibid.*, vol. vii, pp. 40-43. [6] *Ibid.*, vol. vii, p. 50.

of New Orange set forth. It seems providential that it did not have far to sail before it should fly the English flag once more. The first record of the English city after the reoccupation in 1674 bears date of November 9.[1] A second proclamation by Governor Andros the following day commissioned a mayor, five aldermen and a sheriff, one of the aldermen being named also as deputy mayor. The last two mayors under the first English rule, Mathias Nicolls and John Lawrence, were named as mayor and deputy mayor respectively, although the Dutch were represented on the board. There was nothing in the governor's proclamation, however, that suggested any actual change in government and laws; again it was largely a change in nomenclature.

We shall find it of advantage as we approach the time of the Dongan charter to observe a little more closely this administrative-legislative-judicial magistracy which constituted the municipal government. "Court of Schout, Burgomasters and Schepens" was the term regularly applied to the Dutch magistracy, and its records are known as the "Court Minutes of New Amsterdam." Matters purely administrative, after the custom in old Amsterdam, were thought to concern the burgomasters only and, commencing March 8, 1657, these two officials began to hold weekly meetings apart from the court to "consult then together about all that may concern the City, and to dispose thereof as shall be found proper."[2]

It is not to be wondered at that judicial business was sometimes transacted by the burgomasters at these meetings. Likewise, proceedings other than judicial are found

[1] *N. Y. Documentary History*, vol. iii, p. 79.

[2] *Rec. N. Am.*, vol. vii, p. 140. Administrative minutes up to January 28, 1661 are found in this volume, pp. 140-267.

in the records of the court. For instance, the court minutes of December 9, 1659 record the appointment of Mighiel Jansen and Thomas Hall to settle the difference between Burger Jorisen and Hans Vos.[1] It is the burgomasters alone, however, in their session, who receive the report of the arbitrators and take further action in the matter.[2] Again, other measures such as involved schools and schoolmasters, emanated sometimes from the burgomasters alone,[3] sometimes from the court.[4]

In English New York there was the same practice of a court session and a council session. The mayor and aldermen (November 9, 1683) in explaining to Governor Dongan their practices said that they "did make such peculiar laws and orders as they Judged Convenient ffor ye Well Governing ye Inhabitants of said Corporation & held once in 14 dayes or oftener on speciall desire or occasion a Court of Judicature att ye Citty hall."[5] Previous to the Dongan charter, whether their work was legislative or judicial, it was precisely the same body of magistrates that performed it and it was the same clerk who recorded their acts. Indeed their administrative and judicial sessions would frequently follow each other on the selfsame day, separated only by the ringing of the bell.[6]

There is an interesting record of February 27, 1677, in which a complaint is made that court-day sessions frequently last "a long time after ye appoynted howre."[7] As might be expected, administrative matters often crept into

[1] *Rec. N. Am.*, vol. iii, p. 90.
[2] *Ibid.*, vol. vii, p. 243.
[3] *Ibid.*, vol. vii, pp. 223-4, 244, 257.
[4] *Ibid.*, vol. ii, pp. 39, 219-20, 348; vol. vi, p. 4.
[5] *Minutes of the Common Council*, vol. i, p. 103.
[6] *Ibid.*, vol. i, p. 250.
[7] *Ibid.*, vol. i, p. 48.

the court sessions and *vice versâ*.[1] One comes upon unexpected minutes like these, for example, in the court records: December 7, 1680, Gerrett Hendricksen was chosen and sworn "Constable for the Bowery, the present Constable being Sick." Again, on January 14, 1679, a petition from the deacons "to be free from the watch" is referred to the Governor "to doe as hee shall see cause." March 24, 1675, "hoggs" were prohibited by the court from going about the streets of the city; and November 20, 1677, a house was ordered "built in the Citty yard for Peter Paulls, being a lunatick." [2] Less often the report of a case at law is found actually recorded in the council minutes.[3] The term "common council," [4] by the way, does not appear until there came to be common councilmen, in 1683; [5] the "Court of Mayor and Aldermen" is spoken of [6] also as a "court of Record," [7] when judicial proceedings are entirely lacking. Sometimes the heading is "Proceedings att a Meeting"; [8] simply "Att a Meeting" [9] is more used than anything else.

A female character, the wife of one Josias Hallett, fig-

[1] The editors of *The Minutes of the Common Council, 1675-1776*, when noting this fact, vol. viii, p. 145, ascribe such to misplacement by the clerk, but the clerk should not be held accountable for the many other similar cases of confused entry.

[2] For these items see the *Mayor's Court Minutes* of the above dates.

[3] *M. C. C.*, vol. i, p. 38—Wm. Waldron & Jno. Peterson Complt. agt. Constable of Harlum and Severall other inhabitants.

[4] Schwab, John C., *History of the New York Property Tax*, uses these words inadvisedly in his references to records so early as 1669 (p. 48) and 1671 (p. 43).

[5] *M. C. C.*, vol. i, p. 120.

[6] *Ibid.*, vol. i, pp. 13, 16, 73.

[7] *Ibid.*, vol. i, pp. 67, 68, 75. It is to be remembered in this connection that even today the Massachusetts legislature goes by the name of "General Court."

[8] *Ibid.*, vol. i, p. 108.

[9] *Ibid.*, vol. i, p. 96.

ures in both the *Common Council Minutes* and the *Mayor's Court Minutes* of April 1680, although in this case it is manifestly the clerk's fault. In the former, under date of April 6, she was ordered to be " Sent out of this Cytie and out of ye bounds and precincts of this Court before ye Tenth Day of this Instant Aprill." [1] In the mayor's court records of April 27, reference is made to the above-mentioned order and to the carrying out of the same by the sheriff. " In contempt of which order " she is back in the city again. So "tomorrow by Eleaven of the Clock by ye Ringing of ye bell " she must be gone again for a three years' banishment " under ye Penallty of Corporall punishment at ye Discretion of ye Court " if she should return.[2]

The Dongan charter provided for six assistants [3] and the distinctive term " common council " was ordained to include them with mayor, recorder and aldermen. This body was empowered to " Call and hold Common Council within ye Common Council house or Citty Hall." [4] Thereafter the line is drawn rather more sharply between " Proceedings in Common Council " and " Minutes of the Court of Mayor and Aldermen," in which latter body the assistants were not authorized to participate.

Before we give the Dongan charter the close examination which its importance requires, it is well for us to remember that at the very time when New York was petitioning for a charter of greater privileges, municipal corporations in England were fighting for existence under the determined

[1] *M. C. C.*, vol. i, p. 79.

[2] *Mayor's Court Minutes*, April 27, 1680.

[3] These assistants were called " Common councilmen " in the petition to Governor Dongan that preceded the granting of the charter. *M. C. C.*, vol. i, p. 104.

[4] Dongan charter in *M. C. C.*, p. 297. The original copy of the Dongan charter is preserved in the New York Public Library.

effort of crown and bench for the revocation of their charters. The English cities, attacked ostensibly on the ground of "abuse of their privileges," were felt to be the centers of Whig opposition to the crown. Chief Justice Jeffreys "had made all the Charters, like the Walls of Jericho, fall before him," [1] and the new charters rendered municipal officials the equivalent of, if not actually, royal nominees.[2] It was only a year later that the charter of Massachusetts was annulled.[3] Even in the province of New York the "charter of Libertys and Privileges" which Dongan had signed in 1683 was kept back by James II as "not yet perfected," and was later disallowed.[4]

The Dongan charter, given to New York City in 1686, was certainly in line with the duke's instructions to Dongan to grant to the city of New York "immunities and privileges beyond what other parts of my territory doe enjoy." [5] An explanation of this may be found in the fact that many changes established by the charter were in practice two or three years earlier than 1686. Governor Dongan arrived in New York, August 25, 1683; on November 9, following, the city magistrates petitioned him for a charter, specifying the things they desired.[6] The governor sought to be enlightened on some of the articles in the petition, and to some he objected.[7] Explanations followed,[8] and a little later came a request that the "fforme and method" indicated in their petition be "put in practice until such Time as his

[1] North, Roger, *Examen.*, p. 626.

[2] Green, J. R., *History of the English People*, vol. iv, pp. 4-5.

[3] Brodhead, J. R., *History of the State of New York*, vol. ii, p. 417.

[4] *Ibid.*, vol. ii, pp. 420, 422, 453.

[5] *N. Y. Colonial Documents*, vol. iii, pp. 218, 331-4.

[6] *M. C. C.*, vol. i, pp. 102-5.

[7] *Ibid.*, vol. i, p. 105.

[8] *Ibid.*, vol. i, p. 106.

Royall highness pleasure shall be ffurther knowne therein." [1] This was so ordered by the governor, December 10, 1683,[2] after which date the Dongan charter was virtually in effect.

In our examination of the contents of the charter we shall consider, first, the common council, together with the latest additions to its membership, the recorder and assistants. The latter, like the aldermen, were to represent the six newly created wards, one for each. The twelve were to be elected by the voters of their respective wards " on ye feast day of St. Michael the Arch Angell yearly." [3] The recorder, however, was an appointee of the governor and council, to serve " during pleasure " as "Assistant to the Mayor and Aldermen in ye Rule of Government of ye said Citty and administration of Justice in their Court of Record," as the governor's commission to James Graham (the first incumbent) reads, under date of December 4, 1683.[4] The most important work of the recorder was to be in the mayor's court rather than in the common council. The very fact, however, that he remained in office " during pleasure " gave him a place in both bodies as a pilot to a ship of state whose captain and crew were frequently changing. As legal adviser to both bodies, we see in the person of James Graham one who might easily be called the first corporation counsel of the city of New York.[5] At the first meeting of the mayor's court, in the year 1684, Mr. Graham " tooke his place on ye Bench on ye Right hand of ye Mayor." [6] In the towns of England the re-

[1] *M. C. C.*, vol. i, pp. 109-10.

[2] *Ibid.*, vol. i, p. 113.

[3] Dongan charter. This feast day came on September 29.

[4] *M. C. C.*, vol. i, pp. 117-8.

[5] A list of the recorders of the colonial period may be seen in the appendix.

[6] *M. C. C.*, vol. i, p. 118.

corder was an official of long standing; the interesting advice the recorder of Nottingham gave in 1521 to the magistracy is quoted by Mrs. Green in her treatment of English town life.[1] It was distinctly provided in the charter that the members of the common council were constituted "one body corporate and politique" by the name of "the mayor, Aldermen & Commonalty of ye Citty of New York."

In accordance with the wishes of the petitioners, the charter, after a recital of former rights and privileges in its opening paragraphs, confirmed the same to the corporation.[2] As such a corporation it should have its seal, it should be legally "Capable To Have, Gett, receive and possess Lands," as well as to "give, Grant, Lett, Sett and Assigne the Same;" also "to plead and be Impleaded, Answer and be Answered unto, Defend and be Defended," in all kinds of actions or suits.[3] The reader will find in the chapter on "Ferries"[4] a narration of the circumstances under which the Corporation commenced a "Process at Law Against Dirck Benson, the Lessee of the ferry."[5] In the chapter on "Municipal Regulation of Lands and Streets," will be detailed how the corporation used to its advantage its chartered rights to "All the Waste, Vacant, unpattented, and Unappropriated Lands" on the island "reaching to the low water mark."[6] Another corporate power was that of making Tuesday, Thursday and Saturday of every week "Markett Days."[7] Some of the corporation's perplexities with the market problem may be discovered in the chapter on "Trade."

[1] Green, Mrs. J. R., *Town Life in the Fifteenth Century*, vol. ii, pp. 347-8.

[2] Dongan charter in *M. C. C.*, vol. i, pp. 291-4.

[3] *Ibid.*, vol. i, pp. 295-6.

[4] Ch. v, p. 135.

[5] *M. C. C.*, vol. ii, p. 235.

[6] Dongan charter in *M. C. C.*, vol. i, p. 293.

[7] *Ibid.*, vol. i, p. 303.

It was established by the charter that the common council should have " full power & Authority " to " make Laws, Orders, Ordinances & Constitutions " and to "Add, Alter, Demenish or reform them " whenever necessary. In their law making they were not to contravene the laws of England or those of the province. Such orders were to remain in force for three months only.[1] So one feature that the records reveal periodically is a re-enactment of former laws.[2] The administrative and legislative activities of this body of men are the chief material employed in the treatment of all the subsequent chapters of this work and do not call for further mention at this point.

The common council was empowered further by the charter to impose " reasonable Fines and Amercements " on offenders.[3] " Twenty lashes at the publick whipping post " was the punishment ordained in 1692 in case a slave was noisy on the street or was frequenting a public house on the Sabbath, but his master might hand over six shillings to " Excuse the Same." [4] A fine of three shillings was established as the carman's forfeiture, if to secure a load of dirt he dug " any holes in the Streets " or " without this Citty within twenty ffoot of the ffortifications." [5] Property could be condemned to secure the payment of fines, if necessary.[6] The older inhabitants were well acquainted with legislation of the same character under the Dutch burgomasters and schepens.

What constituted a quorum? We find the answer in this way. The charter said that the mayor, recorder and any three or more of the aldermen plus any three or more of the

[1] Dongan charter in *M. C. C.*, vol. i, p. 298.

[2] *M. C. C.*, vol. i, pp. 229, 243, 275, 377, *et seq.*

[3] Dongan charter in *M. C. C.*, vol. i, p. 298.

[4] *M. C. C.*, vol. i, p. 277.

[5] *Ibid.*

[6] Dongan charter in *M. C. C.*, vol. i, p. 298.

assistants shall be called the common council; "they or the Greater part of them," however, could do business.[1] So five, as the "greater part" of eight, made a quorum, although not entitled to be called the "common council." Perhaps it was with scrupulous exactness that in Mayor French's absence, September 29, 1703, the clerk wrote "Att A Meeting of the Recorder, Aldermen and Assistants,"[2] instead of the usual "Att A Common Council." Again, on January 19, 1698, with only a quorum in attendance the record starts, "Att A Meeting of ye Mayor & Aldermen."[3]

How important the duke-proprietor's instructions had been in the matter of justice at an earlier time we shall do well to learn from the exact words of the Duke of York's secretary to Governor Andros under date of August 31, 1676:

> It is his Royal Highness intencons to have all persons whatsoever treated with all humanity and gentleness that can consist with the honour and safety of your government to the end, that where the laws doe inflict a punishment, it may seeme rather for example to deterr others from the like crimes, than to afflict the party punished, except where his malice appeares plainly to aggravate his offence.[4]

Is it possible that James Stuart had a vision of "humanity and gentleness" across the sea in a new land, in contrast to the deeply imbedded inequalities and severities of the home country?

Instructions of the sort quoted were altogether consonant with Dutch practices and could mean no change in the judicial spirit, even though there were changes in names. Governor Dongan had authorized the mayor, with any four of

[1] Dongan charter in *M. C. C.*, vol. i, p. 297.

[2] *M. C. C.*, vol. ii, p. 238.

[3] *Ibid.*, vol. ii, p. 25.

[4] *N. Y. Col. Docs.*, vol. iii, p. 237.

the six aldermen, sitting as a court of sessions, to continue to try both civil and criminal cases.

The most beneficial features of the Dutch court of referring causes to arbitrators was continued and practiced very generally until English lawyers began to increase in the colony, when the system of special pleading grew more refined and subtle, and arbitrations were no longer resorted to, except in cases of accounts, which were usually referred to three persons, at first styled arbitrators, and afterwards referees.[1]

The English jury came into use very gradually along with the pleading of the attorneys, though this procedure did not become the universal practice until after 1704.[2]

The Dongan charter sought to organize the judiciary more definitely than before, the appointment of a recorder, heretofore mentioned, being without doubt the most effective means to that end. In addition there was an attempt at least to differentiate between civil and criminal cases.

The Mayor and Recorder of ye Said Citty for ye time being And three or More of ye Aldermen of ye Said Citty, not exceeding five,[3] shall be Justices & Keepers of ye Peace . . . & May for ever hereafter have Power & Authority . . . to hear & Determine all Manner of Petty Larcenyes, Riotts, Routs, Oppressions, Extortions and other trespasses & Offences . . . And ye Correction & Punishment of ye offences Aforesaid & every Of them According to the Laws of England & the Laws of the said Province.[4]

Thus reads the charter in one place; at another place, well toward the end of the document, we find " that they And their Sucsessors Shall And may have hold & Keep . . . in Every week in every year for Ever upon Tuesday, one Court of Common

[1] Daly, C. P., *Historical Sketch of the Judicial Tribunals of N. Y.*, pp. 30-31. [2] *Ibid.*, p. 29.

[3] This is a curious limitation that it does not seem easy to explain.

[4] Dongan charter in *M. C. C.*, vol. i, pp. 299-300.

Pleas for all Actions of Debt, Trespass upon ye Case Detinue, Ejectment And Other Personal Actions." [1] Civil cases, plainly; such were to be tried like the others before the mayor, recorder and aldermen or any three of them, whereof the mayor or recorder must be one.[2]

The colonial assembly had passed, November 1, 1683, an act providing for a court to be held quarterly in the county of New York on the first Tuesday of February, May, August, and November. At these sessions the judges were to be the justices of the peace—"three of them at the least." [3] The minutes of that court, commencing February 5, 1684, are to be found to-day in the Criminal Courts Building, in a vellum-bound volume entitled *General Sessions of the Peace, held for the City and County of New York*. The names of the city magistrates of that year, headed by Mayor Steenwyck, appear on the first page as the justices of the peace for the session. Judge Daly in his treatise on the New York judiciary states that this tribunal, "with the general acquiescence of all parties," yielded place to the corresponding court established by the Dongan charter. He designates the same as "the quarter sessions" and ascribes to it "exclusive criminal jurisdiction." [4] This last statement is misleading, however. If one runs through the minutes of the session of August, 1689, for instance, he will find the proving of a will, the appraisement of an estate, the report of inquisitions into two deaths by drowning, and the sentencing of a thief to the whipping-post recorded in succession.[5] Civil cases actually outnumber the criminal. One can dis-

[1] Dongan charter in *M. C. C.*, vol. i, p. 304.

[2] *Ibid.*, vol. i, pp. 299, 304.

[3] *Colonial Laws of N. Y.*, vol. i, pp. 125-6.

[4] Daly, C. P., *Historical Sketch of the Judicial Tribunals of N. Y.*, pp. 33-34.

[5] *General Sessions of the Peace*, vol. i, August, 1689.

cern, though, from the many suits where the plaintiff is "Dom Rex" (His Majesty, the King) that cases were commonly reserved for these quarterly sessions in which the royal authority was in question.[1] The record of one such case is given in the appendix.

The minutes of the court of burgomasters and schepens and of the court of mayor and aldermen, up to November 10, 1674, are found printed in "The Records of New Amsterdam." Manuscript volumes, commencing with the court session of the very next week, are in the custody of the county clerk and record the proceedings thereafter.[2] One cannot detect any appreciable change after the charter was issued either in the nature of the suits or in the method of procedure. Indeed with the one exception already noted,[3] the minutes of this court are remarkably like those of the quarterly court. Cases involving debt predominate. Inasmuch as the magistrates came largely from the merchant, and therefore the creditor, class, the court minutes reveal the names of virtually every office holder. Almost every person of note, unless he were a Quaker, appears in court at one time or another. The name of Jacob Leisler appears more than a dozen times in the records prior to 1689. Captain William Kidd, at that time an accredited citizen, appears nine times from October 20, 1691, to July 4, 1693.

As appears from this record, the debtor often owed for "strong liquors;" sometimes wages had not been paid, cases involving sailors and masters of vessels being frequent;[4] sometimes it was an unpaid note, "writing obli-

[1] *General Sessions of the Peace*, May 2, 1693.

[2] *Minutes of the Mayor's Court*, commencing with vol. ii. When the city shall have completed its present task of printing the common council minutes, 1784-1831, the publication of these court minutes should next receive consideration.

[3] "Dom Rex" as plaintiff, *supra*.

[4] The master of the "Henry & Margarett" was sued by four of his "marriners" on the same date, *M. C. M.*, November 25, 1718.

gatory." On August 20, 1697, suit was brought to satisfy London creditors.[1] The cases involving John Jourdain's lottery in 1721 reveal fraud as well as indebtedness. Jourdain sought to dispose of certain merchandise "by way of subscription," selling tickets to subscribers at six shillings each and advertising 231 prizes ranging from eight shillings to fifteen pounds. Frederick Williams and John Blake both brought suit; the latter charged that he bought three tickets, drew a £6 prize, but received only a periwig worth five shillings. Williams said he took out twenty-four tickets and won seven prizes, one of £14 and six of eight shillings each, and received goods worth only £6. The defence offered was that Jourdain was "within the age of one and twenty." The court awarded equitable damages to both subscribers.[2] In another suit Messrs. Dugdale and Searle said they were cheated by Thomas Kearney and brought "into great Discreditt." Out of one hundred half-barrels of flour which Kearney delivered to them as "good and Merchantable" and which they sold at Bridgetown, Barbados as such, fifty-seven were found to be "bad and mixt flower." The sum of £20. 5. 1½ was what Kearney had to pay in damages and costs.[3]

Suits for scandal or defamation of character were frequent where, according to the complaint, the defendant did "with a loud voice" utter some "false feigned scandalous and Defamatory English words." Margaret Norton's supply of "vile and opprobrious" epithets was limited, comparatively speaking, but she was called upon to answer two charges in court on the same day, October 18, 1715. Henry Pounteney resented being called by her "That old French son of a bitch," while Zachariah Hutchins was both a

[1] *Mayor's Court Minutes*, August 20, 1697.

[2] *M. C. M.*, August 8 and 15, 1721. [3] *Ibid.*, December 19, 1715.

"privateer dog" and "that one-eyed son of a bitch." Each man, according to her say, had stolen one of her bullocks and "kill'd it over the Ferry." Found guilty on both charges, she had to pay £16 damages.[1] Hendricke Smith was fined five shillings, in 1693, "for abusing a constable in Collecting their Majesties tax."[2] We may safely assume that this "abuse" was from a venomous tongue.

There were also many cases of assault. Hugh Crow, victualler, was in court, July 4, 1704—the fourth of July had no particular significance then—charged with making an assault on Mary Wilson. "With his double fist" did he beat her, "so that of her life it was despaired." The award by the jury of £10 damages seems lenient.[3] On April 3, 1705, a complaint was entered that Joan Atkins, "with staves swords Clubbs and other weapons did beat wound and evill intreat" Isabelle Maynard. No prosecution followed.[4] For the loss of the "top of the fourth finger of the Right hand" Richard Johnson received £5 damages from John McEvers.[5] John Kramer, carpenter, was ordered committed to jail "till he finds Sufficient Sureties for his good behaviour and for his Appearance at the Next Sessions, he Attempting to Stab his wife and threatening to Murder her."[6]

There was a thief to be dealt with now and then. Among the things that John Mitchell did "take and Carry away" from Jacob Regnier's house, in 1711, were eight gallons each of cider, beer and Madeira wine.[7] Garrett Wendell was in court ten years later for the theft of a bag of money and wearing apparel from Christian Ryck. Damages and costs

[1] *M. C. M.*, December 6, 1715.
[2] *Ibid.*, September 26, 1693.
[3] *Ibid.*, July 4, 1704.
[4] *Ibid.*, April 3, 1705.
[5] *Ibid.*, June 6, 1716.
[6] *Ibid.*, April 23, 1723.
[7] *Ibid.*, February 6, 1711.

in this case amounted to £55. 10. 7.[1] The reader needs to be oblivious to present day conditions to believe that "in a Certain Street Called the Broadway" Thomas Braine stole William Butler's milch cow.[2]

The admission of freemen, which was an important matter of municipal business, was entrusted by the charter to the "Mayor, Recorder, & Aldermen, or to ye Mayor & any three or more of ye aldermen."[3] As this combination of officials approximated to the membership of the court, "freedoms" are generally found recorded in the court minutes.[4] An exception appears in the case of eight petitioners who were admitted on January 23, 1696,[5] and later the common council as much as confesses irregularity, when it prescribed that no more freemen should be admitted except "pursuant to the directions of the Charter."[6] Nevertheless, irregularities did occur thereafter.[7]

Though there was no article in the charter concerning the care of the poor—an interesting omission—the poor are with us always, in court and council records. The petitions of individuals for assistance are found more frequently in the minutes of the mayor's court, and hundreds of such appear from 1700 to the Revolution. The chapter on "Charities and Correction" will open this subject further to the reader. This was also a court where foreigners were naturalized.[8]

[1] *M. C. M.*, January 9, 1722.

[2] *Ibid.*, October 2, 1722.

[3] *Ibid.*, vol. i, p. 302.

[4] *M. C. M.*, March 29, 1709, December 7, 1714, March 29, 1715 (the list includes one woman).

[5] *M. C. C.*, vol. i, p. 395.

[6] *Ibid.*, vol. ii, p. 29. See chapter on "Trade" for details regarding freemen.

[7] *Ibid.*, vol. ii, p. 243.

[8] *M. C. M.*, July 21, 1719.

property attached,[1] wills proved and recorded,[2] guardians appointed for minors,[3] and complaints heard concerning alleged unfair taxes.[4]

In the above enumerations we have aimed to include only such business of the court as was judicial or semi-judicial in character. Mention has already been made [5] of this body, when sitting as a court, taking cognizance of matters that would properly come within its purview as a legislative or administrative board. Such irregularities still appear after the issue of the charter, but not with such frequency. For example, the court appointed Jonas Thomas "Corne Measurer" of the city in 1694,[6] made arrangements for the taking of a census [7] and collecting "Arrearage of Taxes" [8] in 1697, took action to provide against John Le Roux communicating with the French when he went to Martha's Vineyard to fish in 1695,[9] and granted exclusive use of a proposed well in Broadway to those who should contribute toward the same.[10]

There was a case before the court in 1713, where some witnesses were brought from New Jersey, and the court ordered that they be allowed "reasonable Expenses for their Attendance" and that be the practice in the future.[11] In another case in the same year, Thomas Anderson *vs.* John Gordon, we have the first instance on record in the city of

[1] *M. C. M.*, June 1, 1703.
[2] *Ibid.*, April 21, 1691.
[3] *Ibid.*, February 23, 1703.
[4] *Ibid.*, August 25, 1691.
[5] *Cf. supra*, p. 11.
[6] *M. C. M.*, July 3, 1694.
[7] *Ibid.*, May 10, 1697.
[8] *Ibid.*, July 27, 1697.
[9] *Ibid.*, May 21, 1695.
[10] *Ibid.*, May 31, 1720. *Cf. M. C. C.*, vol. ii, p. 149 for a similar privilege granted by the common council.
[11] *M. C. M.*, February 17, 1713.

New York where counsel was provided for one of the parties who was too poor to pay for such service.[1]

Jury duty in those days was no more popular than now; a penalty of thirteen shillings and four pence [2] was exacted to guard against absence, but it had to be imposed many times.[3] The qualifications of a juror and the privilege of challenge were established by provincial law.[1] Cases of challenge are infrequent. Cornelius Clopper, Jr., was challenged July 14, 1719, but was declared "a fair Tryer." [4] A jury, "sworn and charged" May 31, 1715, had great difficulty in reaching an agreement; the court, after an adjournment until four and then until six o'clock, required three constables to be sworn "to keep the same Jury together." [5]

A new recorder, Abraham Gouverneur, the noted Leislerian, came into office in 1700. He was probably instrumental in formulating the first set of rules for the court, and these were ordered to be in force, April 8, 1701.[6] Anyone who is interested could find much in our civil code of to-day that is traceable to this code of 1701. We shall make reference later to some of these twenty-one rules in connection with the duties of some of the other city officials. The business of the court had increased to such an extent by 1711 that it was ordered that the signature of the clerk, instead of the mayor, should be valid except for writs of attachment.[7]

One further charter provision, judicial in character, was that designating each member of the court separately as a

[1] *M. C. M.*, November 10, 1713.

[2] Established by a law of the province, *Col. Laws of N. Y.*, May 16, 1699.

[3] *M. C. M.*, June 13, 1699, July 4, 1704, November 24, 1719.

[4] *Ibid.*, July 14, 1719.

[5] *Ibid.*, May 31, 1715.

[6] *Ibid.*, April 8, 1701.

[7] *Ibid.*, January 23, 1711.

justice of the peace, who by his warrant might commit to jail for the time being persons apprehended for treason or suspicion thereof, for felony, for disturbing the peace, or "Other offendors for other Misdemeanors." [1]

We now come to the consideration of the mayor. We already know something of the burden that was his as a member of the court and the common council. The reader has been able to infer that he was an appointee of the governor and in no sense an official of popular choice. Indeed the election of an executive by popular vote in city, state, or nation is a comparatively modern phenomenon. The story of how the fathers of our country, in 1787 in convention assembled, established the electoral college to name the President is familiar to every school boy. It is probably not so well known that the mayor in this city, with the single exception of Peter Delanoy in 1689 [2] was not chosen by the popular vote of its citizens until 1834.[3] During four years, beginning with 1669, the court of mayor and aldermen was permitted to present to the governor two nominees for the mayoralty, one of whom he should designate.[4] In this we observe the survival of Dutch influence, and the power of the colonial governor was not limited to such an extent thereafter. In 1683, when "Antient Customs priviledges & lybertyes" were petitioned for by the corporation, they desired the governor to choose annually for mayor one of the newly elected aldermen.[5] This, together with other requests, was temporarily granted.[6] Curiously enough, when the time of the next election came

[1] Dongan charter in *M. C. C.*, vol. i, p. 301.

[2] *M. C. C.*, vol. i, p. 206.

[3] Act of Assembly, March 3, 1834.

[4] *Rec. N. Am.*, vol. vi, pp. 200-201, 260-61, 332, 394.

[5] *M. C. C.*, vol. i, p. 104.

[6] *Cf. supra*, p. 14.

around, seven nominees were submitted to Governor Dongan, only one of whom was an alderman elect.[1] When the charter was issued it was found that no such democratic notion was to be further entertained. That document provided that the governor, "by & with the advice of his Council," shall appoint "Such person as he Shall think fitt."[2]

The one separate power conceded to the mayor by the charter was that of granting licenses to "Tavern Keepers, Inn Keepers Ordinary Keepers Victuallers And all Publique Sellers of Wine strong-waters Syder Bear or Any other Sort of Liquors by retaile." He might demand for each license granted a sum to be mutually agreed upon by the petitioner and himself, not to exceed thirty shillings.[3] Instances of the mayor's use of this power may be observed in the chapter entitled "Trade."[4]

Incidentally it may be noted that the money accruing from this source was conceded without limitation to the corporation. Shortly after the charter had been granted, the magistrates felt that the Mayor should have been empowered to act as clerk of the market, water bailiff, and coroner. At their request the recorder drew up a petition to the governor for the same,[5] but it was not until the time of the Montgomerie charter that this change was effected.

Two appointees of the governor other than the recorder, whose tenure was not limited by the charter, were the town clerk and the clerk of the market. The charter would have them be, like the recorder, "Persons of Good Capacity & understanding."[6] Apparently it was deemed unneces-

[1] *M. C. C.*, vol. i, pp. 158-9.
[2] Dongan charter in *M. C. C.*, vol. i, p. 298.
[3] *Ibid.*, vol. i, p. 301.
[4] Ch. ii, pp. 52-54.
[5] *M. C. C.*, vol. i, p. 313.
[6] Dongan charter in *M. C. C.*, vol. i, p. 299.

sary to specify the duties of these officials in the charter, except that John West was designated "Present Town Clerke, & Clerke of ye Peace & Clerke of ye Court of Pleas."[1] One reason why the city of New York is rich in her old records today may be traceable to the emphasis placed on their care in Andros's commission to this same John West in 1680,[2] and the repetition of an order that the clerk make an inventory of "the Bookes and papers Relating to the Publique business and Records of this Citty" and "bee charged with them by Indenture Signed with the Mayor of this Citty and Duplicat Signed by the Clerq."[3]

An interesting item in the minutes of the common council of April 5, 1695, refers to the purchase of a new record book, "No. 21."[4] Twenty folio volumes of "old" records evidenced the output of energy on the part of Dutch and English secretaries or clerks before the eighteenth century commenced. During the subsequent thirty-five years the minutes record the purchase of 28 books for records.[5] Six of these were specified as for the mayor's court.[6] Sometimes it was stated that they were "bound in Vellum."[7] They cost from £2 : 10[8] to £3 : 10[9] each. The handwriting of William Sharpas becomes very familiar to any one perusing those ancient volumes, as he served as clerk continuously from 1692 until his death in 1739. Well might the common council express itself as "truly Concern'd" over

[1] Dongan charter in *M. C. C.*, vol. i, p. 300.

[2] *M. C. M.*, November 8, 1680 (printed in *M. C. C.*, vol. viii, pp. 146-7).

[3] *M. C. C.*, vol. i, pp. 221, 246.

[4] *M. C. C.*, vol. i, p. 376.

[5] *M. C. C.*, vol. ii, pp. 68, 84, 228, 272, 422; vol. iii, pp. 95, 170, 183, 214, 229, 268, 289, 301, 365-6, 481.

[6] *Ibid.*, vol. ii, pp. 84; vol. iii, pp. 95, 183, 229, 365-6, 481.

[7] *Ibid.*, vol. iii, p. 301.

[8] *Ibid.*, vol. iii, p. 95.

[9] *Ibid.*, vol. iii, p. 289.

the loss of one who, "With great Integrity Served them Upwards of forty Six Years."[1] Mr. Sharpas' successor in office reported to the common council, May 14, 1740, an itemized list of the "Books papers &c" that had been handed over to him by the widow: This list occupies more than two closely printed pages. To satisfy partially the reader's curiosity, here is the first paragraph:

Thirty Six Old books in Dutch of Transports, Notary books, Resolution Books &c: Some With paper Covers, Some Without and Some With Parchment Covers Ten Old Books of Records of the Mayors Court Some With paper Covers and Some With parchment Covers, Book of Declarations in the year 1675 bound in parchment. Book of Declarations in the year 1677 bound in parchment, In Which Book at the Other End are Recorded Divers Letters of Attorney, Wills Inventory's and Other Writings. Book of Conveyances Without a Cover begun 1665 and Ending 1675 part Dutch and part English.[2]

As in the case of the town clerk, the charter failed to prescribe any official duties for the clerk of the market. Ways in which this officer served the city and incidentally gained much revenue are revealed in that portion of the chapter on "Regulation of Commerce and Industry," dealing with markets.[3]

The treasurer or chamberlain was appointed annually by the common council, but his duties also were left undefined by the charter. It is interesting, therefore, to find the common council making the appointment annually, but failing to appreciate the need of regulating the office carefully until 1710, when much disorder of the "City Affairs and Accts . . . which hath cost the Corporation in Law Suits

[1] *M. C. C.*, vol. iv, p. 479.

[2] *Ibid.*, vol. iv, pp. 485-8.

[3] Ch. ii, p. 60.

&c . . . upwards of £2000," led a committee to formulate rules to govern the office in the future. Among other things, the treasurer was to give bond for £1000 and keep separate accounts in proper books for that purpose of the several branches of the city revenue, "Arising by the Ferry Dock Fines Lycenses Freedoms Taxes &c:" so that "the Corporation may at all times know what is due and to Come in and when." He was also required to render an account, quarterly or oftener, if requested, of all his receipts and expenditures.[1]

As an illustration of the laxity that prevailed before these regulations were enacted, we find the common council, in 1691, much concerned over the accounts of a former treasurer, the charter appointee, Peter Delanoy. His political opponents, who were anti-Leislerians, tried to find out whether he gave any security when he assumed office.[2] They could not find that his accounts were ever audited during the years he was in the position. Perhaps he did not have any accounts to audit, just took in money and paid it out without any troublesome bookkeeping. He was popular enough to have been allowed to hold the office of assistant alderman while he was yet treasurer.[3] Indeed, during the chaos of 1689 he was the freeholders' choice for mayor and confirmed as such by Leisler in his assumed capacity of governor.

With Leisler's fall, it was a completely changed municipal government that began to "Inspect the Revennues" in 1691, and try "particularly" to learn about Delanoy's accounts,[4] apparently with little satisfaction. After his death

[1] *M. C. C.*, vol. ii, pp. 400-402, 405-7.

[2] *Ibid.*, vol. i, p. 227.

[3] *Ibid.*, vol. i, p. 191.

[4] The extant financial records of the city commence with this date, May 11, 1691, in Ledger No. 1, Chamberlain's office. The contents are printed in *1909 Collections of N. Y. Historical Society.*

his widow claimed £170, "by him Disbursted for the publick Benefitt." [1] A search for accounts to audit was again made by four different committees,[2] apparently without avail. Very likely it was the widow Delanoy, rather than the city, that suffered because the treasurer's office was guarded by no rules. It is very doubtful whether a city treasurer of those days ever would have had in his possession enough municipal wealth to tempt him to abscond. A committee appointed to audit Treasurer Bayard's accounts, in 1713, reported that they showed "he hath paid more than he Received [by] the sum of five pounds Nine Shilings and Eleven pence half penny." [3]

Another official designated in the charter was the coroner, "to be Appointed Chosen and Sworn In Manner Hereafter Mentioned." There is not another word about him, however, in the document, and references to such an official are rare in the municipal records. We know that one Thomas Coker was coroner in 1689, because he presented an account of £5. 2. 6 which was "allowed." [4] A balance due him "when coroner" was ordered paid in 1694.[5] An account of Captain Thomas Clarke, Coroner, amounting to eleven pounds two shillings, was allowed as a "County Charge," in August 1692.[6] The same functionary was holding that office in 1698, and we observe a curious phase of the coroner's activity at that time when he is appointed on a committee with two common councilmen, "to take Effectuall Care the Gaols of This Citty be made Strong and Convenient & be put in good Repair." [7] Later the coroner

[1] *M. C. C.*, vol. ii, p. 83.
[2] *Ibid.*, vol. ii, pp. 83, 99, 113, 139.
[3] *Ibid.*, vol. iii, p. 52.
[4] *Ibid.*, vol. i, p. 205.
[5] *Ibid.*, vol. i, p. 370.
[6] *General Sessions of the Peace*, vol. i, August, 1692.
[7] *M. C. C.*, vol. ii, p. 57.

received £4. 6. 7½ disbursed by him to that end.[1] We may reasonably assume that this official was an appointee of the governor, because in their petition for the charter the magistrates so recommended; and also, if he was otherwise appointed, his name would surely appear in the records as named by the common council or mayor. Finally, it appears in 1702 that the governor, when appointing Philip French mayor, named him also as "Coroner, Clerke of the Markett & Water Bayliff."[2] This would surely have met with remonstrance if it had taken away a traditional privilege of the corporation. A number of items show conclusively that the mayor shifted to the sheriff or marshal the usual duties of the coroner's office. In 1704 a payment to Sheriff Willson includes reimbursement for "an Inquisition on A dead body."[3] In 1706 Marshal Wright was compensated for "A Coffin for A frozen man."[4]

The Sheriff, like the mayor, was an annual appointee of the governor. Grouping this officer with the "Town Clerke of ye Peace, High Constable Petty Constables & all other Subordinates," the charter required them to attend upon the mayor, recorder and aldermen, "as Cause Shall require."[5] What "the cause" required of the sheriff at times the reader will have a chance to observe in the chapter on "The Watch."[6]

When the above-mentioned rules for the mayor's court were established, in 1701, the sheriff was required to have a regular office in some convenient place, where he or his deputy or clerk could be found from eight to twelve and two to four daily. Another requirement was that he,

[1] *M. C. C.*, vol. ii, p. 59.
[2] *Ibid.*, vol. ii, p. 202.
[3] *Ibid.*, vol. ii, p. 255.
[4] *Ibid.*, vol. ii, p. 309.
[5] Dongan charter in *M. C. C.*, vol. i, p. 300.
[6] Ch. vi, pp. 154 *et seq.*

together with the clerk, marshal and two of the constables, should "attend the Mayor att his house in the Morning before the Courte sitts." [1]

The petty constables and the high constable abovementioned, together with the marshal or "Sergeant at Mace," conclude the list of officials designated by the charter. The first named were chosen annually "by Majority of Votes" in their respective wards;[2] the second was appointed by the mayor;[3] while the marshal, left to fate by the charter, seems to have been named by the mayor "with the Advice of this Court." [4] The reader is again referred to the chapter on "The Watch" for further information concerning the activities of these officials.[5]

The newly appointed mayor and sheriff were required by the charter to be sworn before the governor and council, on the fourteenth of October. "The Recorder, Town Clerke, Clerkes of ye Markett, Aldermen, Assistants, Chamberlaine, High Constable, Petty Constables And all other officers . . . shall be sworne . . . before the Mayor or any three or More of ye Aldermen for ye time being." [6] At first there seemed to be no question about the interpretation of this last clause. The newly appointed mayor, after taking oath, met with the retiring aldermen and swore in the new aldermen, who immediately "tooke their Places." The new assistants and other officers then took the oath.[7] In 1701, however, there was a disputed election in three of the wards, and, at the meeting of November 11, three aldermen and three assistants claimed their seats as having been sworn in by Ex-

[1] *M. C. M.*, April 8, 1701.
[2] Dongan charter in *M. C. C.*, vol. i, p. 300. [3] *Ibid.*
[4] *M. C. C.*, vol. iii, p. 60. [5] Ch. vi, pp. 159-62, 167-8.
[6] Dongan charter in *M. C. C.*, vol. i, p. 299.
[7] *M. C. C.*, vol. i, pp. 182-3, 192, 288.

Mayor De Riemer. Rival claimants for these six positions presented writs of mandamus and "great heats Arose."[1] Lieutenant Governor Nanfan, who succeeded Lord Bellomont, took a hand in settling the dispute, but was forthwith informed that "the Common Council of this Citty are the sole Judges of the due Elections and Returns of the Magistrates and Other Officers for this Corporation."[2] After considerable trouble Mayor Noell got the election returns from the three wards "Inspected and scrutiny'd,"[3] and in the end gave the oath to the officials.[4]

Nothing was said in the Dongan charter about the compensation of officials. We know that near the end of the eighteenth century the mayor was receiving fees to such a large amount that a salary was established instead.[5] Small fees for the use of his seal he was declared entitled to as early as August 24, 1685, when the common council ordered that no weights or measures could be used "after the twentieth day of September Next Ensueing, But Such as shall be Sealed." Every day for a week, commencing August 31, from nine to twelve, the mayor, or a deputy, was to "give his attendance att the City Hall" for this purpose.[6] The clerk of the market was generally the person who set the seal to weights and measures,[7] although there is evidence that the mayor received the fees or a share of the same.[8] When the mayor used his seal for other purposes, the common council, on October 15, 1691, fixed the fees as "Six shill. for Every great Seale and three Shillings for a small Seale."[9] The treasurer was allowed "12d in the pound for all Receipts and payments of the publique mony," com-

[1] *M. C. C.*, vol. ii, p. 159.
[2] *Ibid.*, vol. ii, p. 151.
[3] *Ibid.*, vol. ii, pp. 167-178.
[4] *Ibid.*, vol. ii, p. 183.
[5] *Ibid.*, December 30, 1789.
[6] *Ibid.*, vol. i, pp. 167-8.
[7] *Ibid.*, vol. i, p. 245.
[8] *Ibid.*, vol. i, p. 383.
[9] *Ibid.*, vol. i, p. 246.

mencing October 19, 1685.[1] This commission system was still in vogue in 1774.[2] Some five years after the issue of the charter the clerk of the market was granted by the common council certain definite fees for cattle, sheep and hogs slaughtered for the market.[3] In 1693, salaries were being paid to the marshal and to the clerk, of seven and ten pounds respectively,[4] and commencing in 1695 the latter received twice as much because of his "Dilligence" and the "Small Incouragement he has by the Multitude of business which he does ex officio."[5]

The fact is that the municipal magistrates in the early days of English New York were essentially non-salaried. In this respect the unpaid board of education of today is a counterpart of the common council of the eighteenth century. The members of the common council were not able to shift responsibility to salaried executives, however, and the demands on their time were many and insistent. Committees of their members were appointed to investigate, make reports, and carry on all sorts of municipal business. Regulations had to be drawn up concerning the dock, the ferries, the watch; wharves, ferry houses, market houses, sewers, and the like, had to be built and repaired; lands had to be surveyed, titles to land inspected, encroachments on highways investigated; addresses to his majesty had to be prepared setting forth "A true and Perfect Representation of what have been ye Rights & Privileges of this City" and protesting against the repeal of the "Bolting Act."[6] In 1700 Kings Bridge could not be reached in an hour by a subway train from the Battery; it must have taken two whole days for a committee of four to go there and "View

[1] *M. C. C.*, vol. i, p. 171.
[2] *Ibid.*, vol. viii, p. 23.
[3] *Ibid.*, vol. i, p. 218.
[4] *Ibid.*, vol. i, p. 322.
[5] *Ibid.*, vol. i, p. 385.
[6] *Ibid.*, vol. ii, pp. 7-9.

the place On which Jasper Nessepot intends to build a Mill" and report to the board whether the passage of boats and sloops around the island will be hindered thereby.[1] Almost equally important in those days, although not consuming so much time, would be "Lineing and making Decent the Pew assigned for the Mayor and Magistrates in Trinity Church."[2] Certainly it called for much sacrifice to enter upon aldermanic duties in those days. Yet the board went so far as to penalize members for tardiness or absence at the meetings,[3] and any one elected to office who refused to serve was heavily fined.[4]

It seems apparent that offices were not sought for financial gain. To be sure it was not considered inappropriate for a magistrate to undertake some work, like repairs to the City Hall or the dock, for which he would be reimbursed. It is more than probable that an official could assist some friend in connection with the purchase of a desirable water lot or an extension of land to low water mark. The records, however, prior to 1731, show no glaring evidence of the graft methods associated with later municipal history.

Our consideration of the Dongan charter cannot be thought complete unless we summarize the opportunities for revenue that it confirmed or offered.

The early pages of the charter confirmed to the corporation "all the profitts, benefitts and Advantages which Shall or may accrue, and arise att all times hereafter" from the dock, ferry, market houses, city hall, or "New Buryal place."[5] The language of the document made it clear that the corporation had invested public funds in such improvements and was entitled to any revenue that might be forthcoming.

[1] *M. C. C.*, vol. ii, p. 97.
[2] *Ibid.*, vol. ii, p. 337.
[3] *Ibid.*, vol. ii, p. 11.
[4] *Ibid.*, vol. i, p. 157.
[5] Dongan charter in *M. C. C.*, vol. i, pp. 292-3.

In the latter part of the document all money received by the mayor from licenses granted to "Tavern Keepers, Inn Keepers, Ordinary Keepers Victuallers And All Publique Sellers of Wine strong waters Syder Bear or Any other Sort of Liquors by retaile" was confirmed to the corporation; this, too, "without Any Account thereof to be rendered Made or Done to any of ye Lieutenants or Governors of this Province."[1] A former source of revenue also reestablished was that "Used & accustomed to be paid & received" by those admitted as freemen.[2]

The story of the collection, and the obstacles in the way of the collection, of revenue from the above mentioned sources both before and after the issuance of the charter is detailed in subsequent chapters.[3]

Two new possibilities for revenue were created by the charter, one of which yielded a great deal, and the other, nothing whatever. The first was the grant of "All the Waste, Vacant, unpattented, and Vnappropriated Lands" on the island reaching to low water mark.[4] Further, the corporation could fill in and make land "In And About" the island to low water mark[5] and all such lands, "made" or natural, the city was empowered "to Demise, Grant, Lease, Sett over, Assign And Dispose of" at pleasure.[6]

The reader is referred to a subsequent chapter[7] for acts of the common council that resulted from this chartered privilege.

[1] Dongan charter in *M. C. C.*, vol. i, pp. 301-2.

[2] *Ibid.*, vol. i, p. 303.

[3] Chaps. ii, iv, and v. Also for the Dutch city see Durand, E. D., *The City Chest of New Amsterdam*, in the first series of *The Half Moon Papers.*

[4] Dongan charter in *M. C. C.*, vol. i, p. 293.

[5] *Ibid.*, vol. i, p. 304.

[6] *Ibid.*, vol. i, p. 303.

[7] Ch. iii, pp. 82-88. Also *cf.* Black, G. A., *Municipal Ownership of Land on Manhattan Island.*

The other possibility, the one which proved non-productive, was that of "the Royalties of fishing, fowling, Hunting, Hawking" and minerals with the exception of gold and silver.[1] There is no evidence that the corporation ever sought any revenue or advantage by restrictions on the inhabitants along the lines cited above. At the same time it was an assurance against alien usurpation.

Certainly that must have been an interesting period for the Manhattan property owner when he was not subject to an annual assessment and tax on his possessions. Occasional taxation of this sort there was, commencing with that "voluntary contribution" of 1655,[2] but after 1691 it was necessary for the corporation to apply to the newly created provincial assembly when such was deemed necessary. Aside from such occasional revenue, the income from the lease of the ferry was the largest item in the city's annual credit column for years. In 1691 an offer of £100 annually for the Long Island ferry privilege was rejected by the common council as being too small,[3] and in 1728 the same ferry yielded £258.[4] The reader is referred to the chapter entitled "Ferries" for details in regard to the ferry leases and to the corporation's method of obtaining ready money by mortgaging this same ferry revenue.[5]

At the time of the issuance of the Montgomerie charter the average annual budget of the municipality was less than £600.

At the opening of the eighteenth century, the City of New York existed under a government such as has been described.

[1] Dongan charter in *M. C. C.*, vol. i, p. 294.

[2] *Rec. N. Am.*, vol. i, pp. 367-375.

[3] *M. C. C.*, vol. i, p. 252.

[4] *M. C. C.*, vol. iii, p. 430.

[5] Ch. v, pp. 126 *et seq.*, 128 (especially).

During the administration of Governor Lord Cornbury a question of municipal ferry rights arose. This grew out of the increasing trade with Long Island, which resulted in the issue, on April 19, 1708, of the so-called "Cornbury Charter." The circumstances of this grant are considered fully in the chapter on "Ferries." [1] Suffice it to say here, that the existing government was in no way affected by this charter, except so far as the corporation had the problem before it of "defraying the Charge" of £300 [2] therefor at a time when the treasury was empty.

Incidentally, however, the Cornbury charter furnishes information that helps us to a fuller knowledge of the public works of that period. The Dongan charter had referred to a number of public works erected by the citizens "att their own proper Costs and Charges." [3] The Cornbury charter states that since the time of the previous grant —something over twenty years—additional public works had been completed. These were the new city hall, five market-houses, a crane and a new bridge,[4] a powder-house, and the new ferry-houses on the island of Nassau, with a barn, stables and a pound for cattle.[5]

The reader of this introductory chapter is able to infer that the subsequent chapters will take up in turn the supervision and regulation of the various municipal activities of that early period.

[1] Ch. v, pp. 138-41.

[2] *M. C. C.*, vol. ii, pp. 351-2.

[3] Dongan charter in *M. C. C.*, vol. i, p. 291.

[4] Ch. iv, pp. 116-17.

[5] Kent, James, *Charter of the City of New York*, p. 26.

CHAPTER II

Regulation of Commerce and Industry

Whatever the motive, or mixture of motives, that led Europeans to settle at other places on our Atlantic coast, no one questions that trade inspired the settlement of Manhattan Island. It was trade with the Indians that resulted in the purchase of the island in 1626. Traders dominated the politics of the infant city of New Amsterdam and continued to guide the affairs of the English city later on. Surely trade continues to be the dominant note in the Greater New York of the twentieth century. Look at the city seal, so familiar, yet so little understood. Note the beaver, emblematic of the trade in furs which the Dutch carried on. The ship "Arms of Amsterdam" on its homeward journey in November, 1626, carried 7246 beaver skins, as well as a considerable number of mink, otter and wildcat pelts, and some oak and hickory timber.[1] With this extensive early trade in beaver skins it was natural that they, like tobacco in the Virginia colony, should be also a medium of reckoning values. Another medium of exchange in the early days was wampum, frequently called seawant, strings of beads on wire that the Indians were glad to get in exchange for the beaver skins and other furs. If the beads of wampum were unperforated or became loose, they were not considered "good pay," and a distinction was made between merchantable or trade wampum and badly strung wampum. For example, an ordinance of May 30, 1650, makes the former

[1] *N. Y. Col. Docs.*, vol. i, pp. 37-38.

pass "at the rate of six white or three black beads for one stiver," and the latter "at the rate of eight white or four black for one stiver."[1] The director general and council ruled in 1658 that payments in wampum above a certain sum[2] should not be valid in law "unless a written agreement or acknowledgment of the parties convince the judge."[3] Then there were the silver coins of the Fatherland, the stiver (two cents), the guilder, carolus guilder, or florin (forty cents); hence there was always need in contracts to specify the kind of currency. Just as old Amsterdam in the sixteenth century gathered into its coffers coins of all descriptions and made a business of regulating values, so New Amsterdam went through a similar experience and the complexity increased with English occupation and the entrance into the harbor of ships flying every known flag. Along with payment in the previously mentioned Indian wampum and Dutch stivers, guilders and florins, and those in English pence, shillings, and pounds sterling, we read of pounds Flemish, current money of Curaçoa, Boston currency, Spanish pieces of eight (in whole and half pieces) double doubloons, pistoles and half pistoles, reals and half reals.[4]

Reverting again to the seal, we note the arms of a windmill and the barrels. These symbolize the municipal privilege or monopoly of making and packing flour for exportation that was granted by Governor Andros in 1680.[5] This was an industrial opportunity by which the city profited remarkably. In colonial New York there would have been

[1] *Records of New Amsterdam*, vol. i, p. 16.

[2] The sum was twenty florins (about $8 in our money).

[3] *Rec. N. Am.*, vol. i, p. 41.

[4] For many of these terms see *Mayor's Court Minutes*, September 30, 1707, Pearsall *vs.* Hamilton.

[5] *M. C. C.*, vol. i, p. 80.

no such question about the size and cost of a loaf of bread as aroused so much controversy in 1915.[1] These were matters of municipal regulation even in the early years of the Dutch city, and there is on record an interesting petition of the city bakers to the burgomasters and schepens, under the date of April 18, 1659, as follows:

We . . . . represent . . . . whereas the wheat is at present become very dear, the skepel of wheat not being to be bought from the sellers under four guilders in beavers . . . . that your Honors would be pleased to fix another and a higher value on the bread. . . . . 'Tis notorious and known that those of Fort Orange where the grain is easier to be had and more abundant sell the loaf of 8 lbs. for 20 stivers each. The expense of bringing 400 skepels to the mill . . . must pay for freight thereof fl. 120 and fl. 120 for the mill toll and besides this 40 fl. for bringing it up and down; being in all 280 fl. in expences . . . . pledging themselves to use all possible diligence to provide your Honors and the Burghers with bread.[2]

No ordinance occurs with more frequency in the *Common Council Minutes* than the "Assize of bread." One of the earliest of these bears the date of October 17, 1677, and reads as follows:

Whereas it hath Pleased God of his infinite mercy and goodness this last Yeare to Send a good and Plentifull Crop of graine in this Colony as well as other Islands and Plantacons Adjacent which wee pray may be continued and that the Poor may Reape the benefit thereof and have Bread at Reasonable Rates It is hereby ORDERED that Bakers within the Citty & the Liberties thereof Shall Sell bread at ye Severall Rates and prizes followeing upon Paine not onely of Loosing all such bread as shal be made and found in their Shops or put to sayle

[1] *New York Times*, February 10, 1915.

[2] *Rec. N. Am.*, vol. vii, pp. 219-20.

but be Liable to such former orders as have been made in this Case.[1]

Then follow nine loaves of varying quality and weights, with the prices in stivers attached.

In ordinary seasons the price of wheat was three shillings a bushel; the usual price of a white loaf was one and one-half pence and the weight of the same varied from twelve to sixteen ounces, with the price of wheat. All bakers were required to bake all the kinds specified in the assize. One can easily imagine times when the margin of profit under a given assize would be so small that bakers would be "all sold out" very quickly. This may explain an order of the common council, of January 21, 1686, specifying days on which given bakers must "bake Each one batch of white and Course bread at Least."[2]

Bakers then, as well as now, were tempted not to give full weight. In the minutes of October 23, 1685, we read that Jacob Decay (De Kay), Reiner Willimson and Anthony Demilt, themselves bakers "Approved by the Rest of the bakers," were appointed by the common council as "Supervisors of Bread." They took oath that they would, when required, "give their Judgement [upon] the view of any bread to be baked within this Citty Whether the same be according to the Standard of this Citty or noe."[3] The same three men were further ordered to bring in a list of bakers, "Necessary and fitt for that imployment."[4] Sometimes, too, a baker was tempted to sell bread that was stale or poorly baked. David Provost, who was later an assessor in the Dock Ward[5] and whose son was mayor in 1699,[6] was

[1] *M. C. C.*, vol. i, p. 65.
[2] *Ibid.*, vol. i, p. 172.
[3] *Ibid.*, vol. i, p. 176.
[4] *Ibid.*
[5] *M. C. C.*, vol. i, p. 366.
[6] *Ibid.*, vol. ii, p. 90.

brought before the mayor's court at one time "for having bad breed not fitt for Sale." The court let him off, cautioning him to be careful in the future.[1]

That creature sometimes pictured with horns and cloven feet must have whispered into the ear of the shipper of flour that his profit would be materially increased if he made his barrels a trifle smaller. So, as early as March 6, 1675, we read of "the confirmation of Mr. Christopher Hoghland in the office of Surveyor and Brander of Bread and flower."[2] At a later date (July 4, 1692) a committee of six citizens was ordered to agree upon a definite size for "Hogdsheads & Tierces for Biskett and Pease, whole and halfe Barrells for Flower."[3] And at the same session of the court three shippers, John Vandespregel, John Hardenburgh, and John Clapper, pleaded guilty to the charge of "Marking False Teare upon Caske of Flower Bread Pease &c, for Transportation." They were fined twelve shillings each.[4] Even the farmer who produced the corn for the miller to grind and the shipper to pack had to be watched to see that he did not fill his measure partly with dirt or chaff. This we may know from the common council ordinance of May 31, 1684: "Ordered that Mr. Alderman Bayard and Mr. Jacobs Doe Draw up Orders that Corne may be well Cleaned before Sent to the Mill and Present the Same next meeting."[5]

It was at this same time that Governor Dongan issued his proclamation, that for the future "noe flower be Bolted or Packed nor Breade made for Transportation in Any Place whatsoever within this Government Except in the Citty of New-Yorke."[6] This but confirmed the privilege granted by

[1] *Mayor's Court Minutes*, January 25, 1681.

[2] *Ibid.*, March 6, 1675.

[3] *Ibid.*, July 4, 1693.

[4] *Ibid.*, July 4, 1693.

[5] *M. C. C.*, vol. i, p. 152.

[6] *Ibid.*, vol. i, pp. 152-3.

Governor Andros four years previously,[1] a privilege which the records show has always been jealously guarded. In the spring of 1683, rumors reached the ears of the city magistrates that in defiance of the law, flour for sale and transportation was being imported daily into the city. Warrants were issued at once to the sheriff "to Seize all such flower as shall be bolted and packed in any Other Place and Braught or Imported into this Citty whether on Board any Vessell or Landed."[2] Scarcely a week had passed before the deputy marshal, Benjamin Collier, reported to the mayor's court that "one hundred forty barrels and 16 halfe barrels of flower had been Seized from on board the Brigantine *Hopewell* John Schouton master." The jury found this flour to have been brought from Albany "without y^e^ Libertys and Precincts of this Citty"; it was declared forfeited to the city.

The sloop *Mary* was also found to have on board ten barrels and eight half barrels of flour, this too from Albany; this was likewise condemned. Even Colonel Lewis Morris, destined later to become Chief Justice of the Supreme Court of the province, was an offender. Eleven barrels and three half-barrels which were found to have been "brought from his Plantacon against Haerlem" were condemned.[3] Two days later all these forfeitures were remitted, the owners having pleaded ignorance of the laws and having given assurance that no "contempt or slight of Authority" was intended.[4]

From the earliest times the magistrates of the city protected diligently its local tradesmen. Rarely do we have in these days a distinguished visitor who is not granted the "freedom of the city" when he is welcomed by the mayor.

[1] *M. C. C.*, vol. i, p. 80.
[2] *Ibid.*, vol. i, pp. 94-6.
[3] *M. C. M.*, May 1, 1683.
[4] *Ibid.*, May 3, 1683.

This freedom, in the infant city was indispensable for a shopkeeper or "Handi Craft man," and in 1675 it cost the former six beavers and the latter, two beavers, "Unless by Speciall order of Court." The cost, in 1691, in English money was £3 12s for the former and £1 4s for the latter, plus the fee the mayor might claim.[1]

This was not a new idea introduced by the English, however, for it corresponded to the burgher right of the Dutch city. Note this warning of the schout and burgomasters under date of March 29, 1657: "No one can sell in this City by ell,[2] measure or weight, or do any other business unless he have received the Burgher-right of this City, and have his ell, measure or weight stamped; and whosoever is inclined so to do shall have to apply, to receive their Burgher right, to the Presiding Burgomaster Allard Anthony, and for the stamping their ell, measure and weight shall apply at the City Hall of this City on the afternoon of Saturday from two to four o'clock."[3] In receiving the right the burgher had to take oath to show respect and reverence to the present and all future burgomasters and "to obey them in all honest and just matters" so long as he should continue in the province.[4]

The city fathers were also on the watch for itinerant traders who might enter the harbor with their ships and try to do some business here, and up the river, with no idea of settling permanently. Certain Scotch traders are particularly mentioned. By an ordinance of March 9, 1660, they must have obtained the burgher right and kept an open shop within the city before they could go on with their merchandise to Fort Orange or elsewhere in New Netherland.[5] This ordin-

[1] *M. C. C.*, vol. i, p. 222.

[2] Ell = 2 ft. linear measure.

[3] *Rec. N. Am.*, vol. vii, pp. 147-8.

[4] *Ibid.*, vol. vii, p. 154.

[5] *Ibid.*, vol. iii, p. 143.

ance was strengthened by resolutions of the governor and council about two months later, when they fixed the time at six weeks during which the merchant must keep an open shop within the city before trading elsewhere.[1] Yet another ordinance some months later (February 25, 1661) provided that an absence from the city for four consecutive months, " without holding fire and light here," carried with it a forfeiture of burgher right. However, burghers who had resided and maintained an open store for six consecutive weeks " might trade elsewhere on the payment of 20 guilders " over and above their burgher-Right." [2]

It is interesting to note that the burgher right carried with it protection against having one's goods attached by any stranger or even another burgher, a custom that came from old Amsterdam. The court of burgomasters and schepens ruled such an attachment illegal, in May 1656.[3]

Trade in liquors then as now required special licenses and occasioned no end of trouble. In the year following the chartering of the city the governor and council consented to a burgher excise on liquors consumed within the city.[4] So the burgomasters and schepens proceeded to provide revenue for the city's treasury by levying a tax as follows: for every tun [5] of good beer sold within the city, the government was to receive 20 stivers; for each half barrel, 10 stivers; for one anker or quarter, 5; for each tun of small beer, 6; for each half barrel, 3; for each anker, 2; for each anker of brandy, Spanish wine or distilled waters, 30; and of French wines, half as much.[6]

And they proceeded to regulate matters very thoroughly.

[1] *Rec. N. Am.*, vol. vii, pp. 256-7.
[2] *Ibid.*, vol. iii, pp. 270-1.
[3] *Ibid.*, vol. ii, pp. 98-9.
[4] *Ibid.*, vol. i, p. 169.
[5] Tun = liquid measure of about 250 gallons.
[6] *Rec. N. Am.*, vol. i, p. 17.

Burghers or tapsters or tavern keepers who wished to lay in or export any beer or wine had to pay therefor the proper excise to an official named as "Receiver." Two men were appointed as wine and beer porters; they alone had the right of handling, opening or moving from one storehouse, cellar or brewery to another any wine or beer; they alone could bring any beer from outside into the city, "under forfeiture of the wines and beers and arbitrary correction at the discretion of the Court." Furthermore, the schout was authorized to inspect, with two members of the court, as often as he deemed necessary the cellars of the tapsters and to gauge all the barrels. He might seize all wines and beers not reported or for which no excise had been paid.[1]

In 1656 a "Farmer" of the burgher excise on wine and beer [2] took the place of the "Receiver." This position was first awarded to Paulus von der Beeck, who bid 4220 Carolus guilders [3] for it, for the year ending November 1, 1657. Paulus agreed to pay to the burgomasters a fourth part of this rent "precisely every quarter" and to furnish two bondsmen. The excise fees he was to collect were virtually the same as those prescribed in the ordinance of 1654. He was entitled to these fees from the company's and city's servants, as well as from all burghers and tavern keepers.[4] At his request the court (November 20, 1656) fixed definite office hours for collecting, *viz.*: eight to eleven and one to four, no licenses to be granted at any other time, "except occasionally to some strangers who would wish to take away wine or beer." [5]

Scarcely had the question been settled, that the officials of the city as well as the representatives of the West India

[1] *Rec. N. Am.*, vol. i, pp. 17-8.
[2] *Ibid.*, vol. ii, p. 209.
[3] Carolus guilder = about 40 cents.
[4] *Rec. N. Am.*, vol. ii, p. 210
[5] *Ibid.*, vol. ii, p. 228.

Company were not to be exempt from paying the excise, when another interesting question arose. Ought brewers to pay excise on the beer consumed in their own families? It reflects the good sense of the burgomasters and schepens of that early time that an affirmative answer was given. In the same ordinance the farmer was allowed to inspect the breweries whenever he thought proper. For every brewing, large or small, a six-florin fee was imposed. A permit carrying with it a fee of four stivers was necessary, if any brewer wished to remove any beer from the brewery to a storehouse or elsewhere. Furthermore, in justice to the brewers it was ordained that all importers of wine or beer must "make a bargain" with the farmer about the excise on what they intend to consume in their own houses, subject to an order of the court if they cannot come to an agreement.[1]

To a great extent the New Amsterdam officials in these ordinances were imitating the practices of Old Amsterdam. Another thing they soon did in further imitation was to appoint a "Surveyor and Guager," whose business was to measure and properly stamp casks and barrels. Henceforth no one could deliver unstamped casks under a penalty of twenty-five florins. Weinaar Wessels was the first appointee to this position; he was entitled to fees for his work of measuring and stamping varying with the size of the barrel.[2]

All the aforesaid regulations are concerned with liquor as a commodity subject to an excise or tax. We have yet to deal with the saloon keepers, known at that time as tappers or tapsters. By an ordinance of the director general, January 9, 1657, published with the approval of the schout, burgomasters and schepens, all such were re-

[1] *Rec. N. Am.*, vol. i, pp. 27-8. [2] *Ibid.*, vol. i, p. 29.

quired to procure a license every three months [1] and to pay into the city treasury for the same one pound Flemish.[2] All tapsters who wished to continue in the business were bound to call within twenty-four hours of the above date at the house of Mr. Allard Anthony, treasurer of the city, and procure licenses, on the penalty of having their shops closed and paying a fine of twenty-five florins. We find the price of beer, as well as that of bread, regulated by law. The sum of "twelve stivers the vaan" (the vaan = two quarts) was the maximum price that could be charged, under the same penalty as stated above.[3] About two years later (November 11, 1658) a further ordinance established prices as follows:

The vaan of beer [4]	6 stivers in silver,	9 in beavers,	12 in wampum
The pot of French wine	18 " " "	24 " "	36 " "
The pot of Spanish wine	24 " " "	36 " "	50 " "
The quatern of brandy	5 " " "	7 " "	10 " "

We are not surprised to read that "daily complaints" were made to the city magistrates, in 1657, that many tapsters and tavern keepers to keep their business going detained such persons

as for their own sake and advantage would better attend to their occupations and protect their families honorably with God's help, but cannot make up their minds to it, because of the pleasures they find in drinking and jovial company by which they not only spend their daily earnings but also when out of money pawn the goods serving to the necessities of their families and thereby obtain the means of continuing their usual drinking bouts. Their wives and children suffer in

[1] The mayor's court of March 4, 1672, required licenses to be taken out annually on March 25.

[2] Equals six florins ($2.40).

[3] *Rec. N. Am.*, vol. i, p. 28.

[4] *Rec. N. Am.*, vol. i, pp. 41-2. On June 21, 1661, the price of beer per vaan was increased to 12½ stivers. *Cf.* vol. iii, p. 333.

consequence and become a burden to the Deaconry of this City.[1]

Rarely do you find language of two and a half centuries ago that might have been written yesterday almost as well. The liquor dealer of that day, however, was the pawn broker as well, as is evidenced by the subsequent regulation that forbade tapsters and tavern keepers to "receive in pawn" any goods and sell drinks therefor, under penalty of twenty-five florins for the first offence, fifty florins and a six weeks' suspension of their business for the second, and closure with restitution of pawned property for the third.[2]

Still another ordinance of the old Dutch days relates to Sunday sale of liquors. No tavern keeper or tapster could open his place or sell any drink before or during the sermon. On Sunday night—indeed every night—"after guard mounting or bell ringing," the same prohibition was in force, "except to his servants, boarders, or on public occasions with the consent and by order of the Magistrates."[3] This is an interesting exception, a survival of which appears in our most recent excise legislation, the Raines law.[4] The argument that is made intermittently for the opening of the saloons on Sunday after one P. M.[5] may be traceable to the Dutch tapster's opportunity to sell on Sunday after "preaching" and before "guard mounting."

The fondness of the Indians for "fire water" had occasioned still other regulations at a very early date.[6] The provincial authorities fixed the penalty at 500 carolus guilders, "besides the responsibility of the mishaps resulting

[1] *Rec. N. Am.*, vol. i, pp. 33-4.

[2] *Ibid.*, vol. i, p. 34.

[3] *Ibid.*, vol. i, p. 24.

[4] Act of Assembly, passed March 23, 1896.

[5] See newspapers shortly after passage of Raines Law.

[6] July 1, 1647. *Rec. N. Am.*, vol. i, p. 3.

therefrom." Later they added "arbitrary corporal punishment," declaring it to be better "that such evil doer be punished, than that a whole country and community suffer through him." [1] Furthermore the testimony of an Indian was to be valid in such cases. Nevertheless we find this ordinance apparently forgotten in 1658 for on August 12, the governor's deputy stated to the court that "considerable brandy is sold by the Burghers to the Indians." [2] He proposed strict regulations and a penalty of 250 florins, but no action is recorded. In the year before the first English occupation, the burgomaster's court proclaimed a renewal of the prohibition to "draw any strong drink for the Indians or natives of this country," as well as to "tap any drink or entertain clubs on the Sabbath." [3]

The liquor ordinances of New Amsterdam were either reënacted or rather closely copied by the subsequent governments.[4] In the year 1676, however, Governor Andros and the court of mayor and aldermen resolved to do away with all excise fees, although a license to sell was still necessary.[5] Only licensed houses could sell less than ten gallons.[6] Twenty-four such licensed places appear in the records for 1680.[7] Governor Dongan, in 1683, proclaimed that none could receive such licenses in the city or elsewhere without first obtaining a certificate that they were "of good life & Conversation and fitt to keep such a house." [8] The fee for a license in the city, as declared in the common council minutes of April 24, 1686, was not to exceed five

[1] *Rec. N. Am.*, vol. i, p. 10.
[2] *Ibid.*, vol. ii, p. 418.
[3] *Ibid.*, vol. iv, p. 225.
[4] For the New Orange ordinances, *ibid.*, vol. vi, pp. 403-6.
[5] *M. C. C.*, vol. i, p. 16.
[6] *Ibid.*, p. 15 (at first this amount was one gallon. *Ibid.*, vol. i, p. 16).
[7] *Ibid.*, vol. i, pp. 80-81.
[8] *Ibid.*, vol. i, pp. 100-101.

pounds.[1] A later ordinance, of March 22, 1715, increased the license fee to thirty shillings.[2] In special cases—the first one recorded is in 1715 [3]—a license was granted gratis. The person so favored might be an object of charity, a widow,[4] or an officer of the corporation.[5]

An interesting attempt to secure community responsibility occurred on August 25, 1676, when the mayor and council issued this order: "if Any Indians shall be Seene Come out Drunke of any House That itt shall bee a Sufficient Conviction And if Seene Drunke in the Streets and the house not found Out or knowne where hee or Shee was made Drunke The whole Street to bee finable." [6] The order would be still more interesting if any instances of its enforcement were known. For some reason the city officials after Leisler's rebellion seem to have relaxed, for we read that liquors might be sold to the Indians in quantities above five gallons by "Retaylers." The penalty, too, for selling a smaller quantity was but nine shillings.[7] Before Governor Dongan granted his charter, the city government did not have the benefit of the license fees; this benefit was asked for in the petition of September 27, 1683; [8] the request was at first denied,[9] but subsequently conceded.[10] As soon as the city became recipient of the license fees, the mayor, it was, instead of the governor, who required all "Taverne Keepers, Inn Keepers Ordinary Keepers Victuallers and all Publick Sellers of wines, Strong waters, Syder, beere, or any other Sort of Liquors by Retaile," to appear personally

[1] *M. C. C.*, vol. i, p. 178.
[2] *Ibid.*, vol. iii, p. 91.
[3] *Ibid.*, vol. iii, p. 87.
[4] *Ibid.*, vol. iv, p. 314.
[5] *Ibid.*, vol. iv, p. 207.
[6] *Ibid.*, vol. i, p. 25.
[7] *Ibid.*, vol. i, p. 223.
[8] *Ibid.*, vol. i, p. 110.
[9] *Ibid.*, vol. i, p. 111.
[10] *Ibid.*, vol. i, p. 291.

before him to take out their licenses.[1] Violations of the aforesaid ordinances and of similar ones proclaimed later fill many a page in the minutes of the court of the burgomasters and schepens and of that of the English mayor.

A certain Abram Carpyn, at various times summoned before the mayor's court, was ordered, June 11, 1667, to prove for what trade he laid in a certain anker of rum, as he was "much suspected of selling strong drink to the Indians." This was the more probable, since the anker of rum found in his house was "half water."[2] At a subsequent session of the court the rum was confiscated, as smuggled, and Carpyn was told that he must depart from the city if another Indian should enter his house.[3] On the testimony of one Indian that Anna Koex sold drink to another Indian, "upon Sabbath day Last," she was penalized eighty guilders wampum plus the cost of the suit.[4]

In the burgomasters' court of New Orange one Jan Dircksen Meyer was accused by Schout Anthony de Milt for acting as tapster without a license and condemned to pay a fine of thirteen florins ten stivers.[5] Francois Miserty, a tapster, was brought before the same court, January 17, 1674, by the schout, who found three persons "sitting drinking" in his house. The tapster tried to make out that the three brought the drink to his house and so drank, but the court did not see it that way and fined him twenty-five florins.[6]

The last session of the burgomasters' court of New Orange was held, November 9, 1674. After that the mayor and aldermen were in control again and sheriff displaced

[1] *M. C. C.*, vol. i, p. 184.
[2] *Rec. N. Am.*, vol. vi, p. 76.
[3] *Ibid.*, vol. vi, p. 87.
[4] *Ibid.*, vol. vi, p. 100.
[5] *Ibid.*, vol. vii, p. 6.
[6] *Ibid.*, vol. vii, p. 44.

schout. One of the earliest records of the new court calls for papers in the English language instead of the Dutch.[1] But it is the same community with the same sins as before. Otto Gerritson, a tapster, whom the court of burgomasters the previous year, on complaint of the schout, fined for tapping without a license,[2] is now caught by the sheriff repeating the offence. He claimed he had permission to sell from the collectors of the tappers' excise, but he failed to prove it and was again fined.[3] Mrs. Poole was found guilty of the same offence on the same date. The Indians liked rum just as well as they did when the Dutch ruled and they found people who would defy the laws to sell it to them. Abel Hardenbrook was accused by the sheriff of selling to them, April 30, 1678, but on a sworn statement made by his wife he was cleared.[4] After his death his widow continued the business, including the illegal side of it, and was convicted and fined.[5] The usual story of drink and the negro is repeated in that session of the court in which a certain colored man named Swan, together with his wife, confessed "to selling drinks to Negroes and entertaining them at unseasonable hours." "Twenty five shillings and costs." [6]

Any white tapster appears to have been under suspicion if he had any dealings whatsoever with negro slaves. One John Webb, who exercised "the Art trade and Mystery of buying and selling Wines and other liquors," came before the mayor's court, August 5, 1712, sueing Abigail Cogan for £50. He claimed there had never been a suspicion be-

[1] *M. C. M.*, November 17, 1674.
[2] *Rec. N. Am.*, vol. vii, pp. 10, 29.
[3] *M. C. M.*, December 2, 1674, February 9, 1675.
[4] *Ibid.*, April 30, 1678. [5] *Ibid.*, August 31, 1680.
[6] *Ibid.*, December 7, 1680.

fore of his trading or dealing with any slaves. The said Abigail, however, in the hearing of many neighbors, used "false feigned Scandalous and opprobrious English words" to the effect that John and his wife "Received Goods Bonnets and Other things of Negro's." At first the jury declared Abigail guilty. She prayed for an arrest of judgment and two months later the court reversed the decision.[1]

We have some definite information as to how extensive this whole trade in liquor was in the early eighteenth century compared with that in other commodities, in the reports of Thomas Weaver, collector of his Majesty's revenue in the province of New York. For instance, his report for the quarter ending September 25, 1701 shows customs on rum — just for that quarter — to have amounted to £207 : 19 : 6, on wine £97 : 0 : 8, making a total for "wet goods," of £305 : 0 : 2. This was more than double the customs received from "dry goods", which was £149 : 10 : 1¾.[2]

The English conquerors inherited from the Dutch in 1664 two markets or market places. One of these had been established in 1656, "on the beach, near or in the neighbourhood of Master Hans Kierstede's house,"[3] by order of Director Stuyvesant and his council.[4] Saturday of each week was the appointed day when "meat, pork, butter, cheese, turnips, carrots and cabbage and other country produce" might be brought for sale to the spot made familiar by the West India Company's store. The other was a creation of the burgomasters in 1659,[5] located in the broad space north of the fort, the present site of Bowling Green. This was

[1] *M. C. M.*, August 26, 1712, October 21, 1712.

[2] *New York City Records*, "*Conveyances*," vol. xxx.

[3] Stokes, I. N. P., *Iconography*, vol. ii, plates 82 and 82, e.

[4] *Rec. N. Am.*, vol. ii, p. 169.

[5] *Ibid.*, vol. vii, p. 219.

declared to be "a Market for fat and lean cattle," to be held for about forty days continuously every fall; notice of the same had been given to several neighboring villages.[1] The "Market by the Strand" apparently was without structure of any sort, produce being sold from basket or boat or canoe; the "Broadway Shambles," however, was a tile-roofed building substantial enough to be maintained under lock and key.

A slaughter excise with a farmer of the same, and sworn butchers was also a part of the Dutch establishment. Farming the excise was auctioned off to the highest bidder,[2] and the farmer was entitled to receive fixed fees for the different animals slaughtered.[3] No one was allowed to slaughter without a permit from the farmer under penalty.[4] Denton said of the surrounding country, especially of Long Island, in 1670, that it was "plentifully stored with all sorts of English Cattel, Horses, Hogs, Sheep, Goats, &c. no place in the North of America better."[5] A horse or mare, four years old, was valued in 1665 at about £12, a good cow at £5, and a hog at £1; whole beef was worth two pence a pound; pork, three pence; butter, six pence.[6]

There occurred no appreciable change in this general market system for several years after English rule commenced. Timotheus Gabrie, the farmer of the slaughter excise in 1665, was warned to go and inspect cattle before he granted a license to slaughter, in order that the city might not be defrauded. To the sworn butchers a slight increase in fees

[1] *Rec. N. Am.*, vol. vii, pp. 215-6.

[2] *Ibid.*, vol. ii, pp. 208-9. [3] *Ibid.*, vol. ii, pp. 222-3.

[4] *Ibid.*, vol. ii, p. 232.

[5] Denton, Daniel, *Description of New York*, p. 5.

[6] Wood, Silas, *Sketch of the First Settlement of the Several Towns on Long Island*, pp. 16-17.

was allowed; also they were protected in their business by a reënactment of the Dutch ordinance forbidding others to slaughter.[1]

With the advent of Governor Andros in 1675 came among other things the proposal of an annual fair for three days in early November, "for all graine, Cattle, or other produce of the Country."[2] This proposal was made at the general court of assize and was embodied in the governor's proclamation of January 29, 1677. Anticipation of a fair had produced an item in the agreement for the ferry grant at Spuyten Duyvel in 1669 whereby free passage was to be granted droves of cattle and horses during the time of a fair, as also a day before and a day after its expiration.[3] The governor's proclamation provided that any one attending the fair should enjoy freedom of arrest for debt; also the location was fixed "att the markett house & Plaine afore the Forte."[4] In the same proclamation the governor ordered, "by the advice of my Counselle & Court of Mayor and Aldermen," a weekly market on Saturday, for which there was "a fitt house beinge now built by the Water Side neare the Bridge and Weighhouse." The reader will observe that the same two localities used by the Dutch are plainly indicated in this proclamation; now, however, there were market houses in both places, of which fact the Dongan charter, issued only a few years later, bears evidence.[5] The order of Governor Andros heretofore mentioned was to be in force for three years, commencing March 24, 1677; just as the time limit was about to expire, the mayor and aldermen ordered the Saturday market at the bridge and weighhouse to "be Con-

[1] *Rec. N. Am.*, vol. v, p. 312.
[2] *M. C. C.*, vol. i, p. 4.
[3] Ch. v, p. 149.
[4] *M. C. C.*, vol. i, pp. 40-41.
[5] Dongan charter in *M. C. C.*, vol. i, p. 291.

tinued kept and observed as afforesaid." They decided that there should be a Wednesday market also at the same place, " for ye Better Supply of ye Cytie." [1]

When Governor Dongan agreed, in 1683, that the city should have the benefit of the market and the market house, he introduced the proviso that the governor should appoint a clerk of the market to " see after ye Weights & Measures, & due Regulation of ye Markett"; also that no produce should be sold from " any vessel boate or Canoe," and that nothing except butcher's meat should be sold except on Wednesday and Saturday.[2] These limitations did not meet with the favor of the common council and a committee of four was appointed to confer with the governor about the market house and other matters,[3] with the result that the conditions about the market were " wholy taken off." [4] This left the municipal officials free to make their own market regulations; these were prepared promptly, ordered published on March 15, 1684, and to be put in execution " ye week After Easter." The following are some of the more important provisions:

The sale of meat was confined to the bridge market on Tuesday, Thursday and Saturday at specified hours, the ringing of a bell to mark the opening and the closing. " Fish Butter Cheese Eggs Poultrey fruite Rootes, and herbs," however, might be sold every week day " att Anytime in this or other Convenient places." The sale of any stale produce or foul meat was liable to a forty shilling fine. Anything like butter or cheese, ordinarily sold by weight, must be sold that way invariably. Such was the desire for fresh eggs, butter and poultry even in those days that a forty shilling penalty awaited any huckster, if he were to " en-

[1] *M. C. C.*, vol. i, p. 76.
[2] *Ibid.*, vol. i, p. 111.
[3] *Ibid.*, vol i, p. 121.
[4] *Ibid.*, vol. i, p. 127.

grosse" such.[1] Neither could any one buy any produce in the market "to Retaile there Againe." The mayor and aldermen were to appoint a clerk of the market to see that these regulations were observed and to lease stalls in the market house to such as desired them.[2]

In the following July the governor expressed a wish that the market place be removed to "the Vacant ground before the Fort." While the subsequent order of the court leaves much to be desired in the way of clarity,[3] the minutes of later years show that the pressure of increasing commerce suggested the use of the market house, situated so near the dock, preferably as a storehouse or warehouse under a keeper's charge, who collected on commission at specified storage rates.[4] "The Green before the ffort" was surely the location of a "Butchers Shamble" [5] in 1691, and probably other provisions had been sold there. The year 1691 marks the first great expansion in the city's markets. This was the outcome of the report of a committee of the common council, on April 18. A second meat market was established "under the trees by the Slipp," [6] and the "Country People Shall bring flesh to Either of the two places Sueiting there best Conveniency." To the same places butter, eggs and poultry were also to be brought. A separate market place, however, was established for fish, fruits and vegetables, "over against the City Hall or the house that

[1] *Cf.* Green, Mrs. J. R., *Town Life in the Fifteenth Century*, vol. ii, p. 39, for limitation of engrossing and forestalling in the town markets of England.

[2] *M. C. C.*, vol. i, pp. 139-40.

[3] *Ibid.*, vol. i, p. 151.

[4] *Ibid.*, vol. i, pp. 179, 192, 194, 195, 202, 203.

[5] *Ibid.*, vol. i, pp. 215-6.

[6] The "Old Slip;" for this and other localities in the next few pages, *cf.* Stokes, *Iconography*, vol. i, plate 30.

Long Mary formerly lived in." The markets were declared open by the ringing of a bell at seven on Tuesday, Thursday and Saturday, although it was recognized that unfavorable tides or weather might give sufficient cause for selling on a different day. Sales in any other locality, however, were forbidden. No one could buy anything to sell again "till it hath bin two houres in the Markett." [1]

In July of the same year a committee was appointed "to build a Markett house att the End of the Heeregraft Street for all but Butchers Meate." [2] It is reasonable to believe that this house was planned out of consideration for those who had been using the neighboring Coenties Slip locality, which had been prescribed for fish, fruit and vegetables; it would be convenient, also, to the dock. At any rate, it was more than fifteen years thereafter when a separate market house was constructed on the north side of Coenties Slip.[3] Previous to 1731 two additional market houses had been constructed farther up on the East River shore, at Burgers Path[5] and the east end of Wall Street,[5] respectively. Whereas the early houses had been built by the corporation, the later ones were constructed at the expense of the inhabitants of the community immediately benefited, permission first having been obtained from the common council. At one time during the second intercolonial war the common council complied with an order of the governor to set apart all the market houses, except the one at Burgers Path, for the carpenters to build bateaux in.[6]

In order to get meat, animals have to be slaughtered; even then no community found comfort in the near presence of a slaughter house (or a tannery), and one of the earliest

[1] *M. C. C.*, vol. i, pp. 217-8.
[2] *Ibid.*, vol. i, p. 231.
[3] *Ibid.*, vol. ii, pp. 302-3.
[4] *Ibid.*, vol. ii, pp. 147, 352.
[5] *Ibid.*, vol. ii, p. 385.
[6] *Ibid.*, vol. ii, p. 444.

English records ordered such a structure banished from the city limits.[1] As a result Smiths Fly, just beyond the wall on the East River shore, became the location of the city's butchery.[2] Messrs. Levy and Rose, to whom was given the privilege to construct the same, were allowed to receive such fees as had formerly been paid. In the abovementioned regulations of 1691, the prohibition of slaughtering "within the Citty gates" was reiterated.[3] For some inexplicable reason we find this ordinance repealed a few months later;[4] we are therefore prepared to hear in a few years the same old complaint of "Great Nusance" and "Noisome Smell of ye filth" in connection with some structures in Queen street; slaughtering there must stop, said the common council.[5] In the same year, 1696, Ebenezer Willson, city treasurer, was granted permission to construct a slaughter house on the East River shore "on ye West Side of ye house of Thomas Hooks."[6] The land was ordered surveyed for a building, in dimension twenty by a hundred feet, a pretentious structure for those days. While subsequent records are too meagre to yield unalterable conclusions, this house was probably constructed to supplement the establishment of Levy and Rose, because of the increasing business. Mr. Willson probably did not conduct the slaughter house in person, judging from the fact that he soon became high sheriff and then mayor. An ordinance of November 9, 1698, limited butchering once more to "the publick Slaughter houses by the water side," and the enforcement was made more possible by a further direction that "No Cattle be landed but att the Nearest Convenient place to the sloughter

[1] *M. C. C.*, vol. i, p. 20.
[2] *Ibid.*, vol. i, p. 46.
[3] *Ibid.*, vol. i, p. 217.
[4] *Ibid.*, vol. i, p. 244.
[5] *Ibid.*, vol. i, p. 408.
[6] *M. C. C.*, vol. i, p. 404. A desirable location beyond the wall adjoining the terminal of the ferry from Long Island.

houses." [1] By 1720 these slaughter houses had also become "a Publick Nusance"; the expansion of the city, too, suggested that "more Convenient and Ornamental Buildings" be erected "there and in that Neighbourhood." So John Kelly on his petition was granted permission to build houses and a pen at a point still farther along on the East River shore near the "dwelling house of Mr. John Deane." His twenty-one year monopoly was attended with many obligations. At least three "substantial" houses and a good-sized pen were to be constructed within about nine months. These were to be equipped with all the necessary apparatus, kept always in repair and "well and sufficiently scoured & Cleansed." [2] It was made clear to certain violators in the Out Ward that any slaughtering in "House Barn Stable Out House Yard Orchard Garden Field or Other place within the Said Ward (Except for his her or their Own proper use)" would meet with penalty.[3]

The year 1731, then, reveals to us the above-mentioned slaughtering establishment of John Kelly, and markets in front of the fort at Broadway, at the foot of Broad Street, at Coenties Slip, Old Slip or Burgers Path, and at the east end of Wall Street.

Our truckmen of today were always known as cartmen or carmen in the infant city. The municipal authorities today require all truckmen to be licensed before they can do business. In the beginning it is interesting to note that the carmen themselves were responsible for such a practice. Eight carmen presented a petition to the mayor's court, April 16, 1667, requesting that they be recognized as a guild and that all new comers be forbidden to cart within the city. The request was granted "until more carters are required."

[1] *M. C. C.*, vol. ii, p. 65.

[2] *Ibid.*, vol. iii, pp. 249-51.

[3] *Ibid.*, vol. iii, p. 380.

The court bound them, however, in time of fire to repair to the fire and render all possible assistance in extinguishing the flames.[1]

The court in its session of December 17, 1667, laid down certain conditions on which the carmen might ride in their carts instead of walking beside them. They were to drive slowly. They were to suffer forfeiture of both horse and cart in case they hurt any one while riding. If a carman caused a person's death, his own life "shall be under the lapse of the Lawe."[2]

These carmen "do manny times use ill and bad Language to the Burghers," was the astonishing complaint necessitating action by the burgomasters and schepens a few months later. Dismissal from service was to be the penalty if henceforth burghers and strangers were not used "Civilly."[3]

On November 29, 1670, another petition on their part to the governor was referred to the mayor's court. They requested "to be confirmed in their places," promising to give satisfaction to everyone employing them, to fill up holes in the roads about the city and do other such public work as the authorities should command. Their petition was granted, provided they did as they promised and provided also that they take turns every Saturday afternoon carting away to some convenient dumping place the dirt from the paved streets. This dirt was to be loaded upon the cart by the owners or tenants of the houses on the said streets. The carmen must also agree to the fixed price of "ten Stivers in Seawant & No more" for a cartload of any kind of goods carried any where "within the Gaets."[4] There were ten

[1] *Rec. N. Am.*, vol. vi, p. 70.
[2] *Ibid.*, vol. vi, p. 105.
[3] *Ibid.*, vol. vi, pp. 257-8.
[4] *Ibid.*, vol. vi, p. 273.

of these "Confirmed" carmen.[1] During the next year complaints were filed against several of them and they were summoned before the court. They "made their Excuses and promised for the future to be verry Delligent and performe the said Orders," after which they were again named as the city's carmen, February 13, 1672. In addition to the original articles of agreement, there was now to be an overseer elected annually by the court from two of their own nominees. Furthermore, in case of further just complaints against them, they would forfeit their places.[2] There were more complaints two years later, that "several carters refuse and are unwilling to ride timber, stone and other materials for the City and public service"; but the burgomasters and schepens contented themselves with resolving "that on the first refusal or exhibition of unwillingness their horses shall be immediately untackled, and they be deprived of their places as carters."[3] Charles Floyd was elected as the first overseer or foreman of the carmen for the year commencing March 5, 1672.[4] In the last days of the Dutch city the carmen's guild complained of certain intruders, particularly boys, riding carts and trespassing on their privileges. The boys were forbidden to drive carts any more within the city. Some ten years later the prohibition was extended to include negro or other slaves.[5]

The privileges and duties of the carmen continued the same under English municipal rule. The justice of a higher charge (six pence a load) was recognized for carrying such things as wine, lime and brick, necessitating greater care or time in handling.[6] On March 15, 1684, the number of carmen was increased to twenty.[7] At the same time previous

[1] *Rec. N. Am.*, vol. vi, p. 360.
[2] *Ibid.*, vol. vi, pp. 360-1.
[3] *Ibid.*, vol. vii, p. 51.
[4] *Ibid.*, vol. vi, p. 363.
[5] *M. C. C.*, vol. i, p. 136.
[6] *Ibid.*, vol. i, p. 28.
[7] *Ibid.*, vol. i, p. 135.

regulations governing carmen were reënacted and published with some elaboration. The cartage of cord wood received especial attention. Six years earlier the magistrates had ordered that all fire-wood brought to the city must be four feet in length and had declared that a cord of this wood should measure four feet in height and eight feet in length. We have reason to believe that this ordinance was not strictly enforced before 1683, when two places within the city not far from the shore were designated "for fire wood to be Brought to And Coarded"; and "Corders" of this wood were appointed who settled any differences arising between buyer and seller and collected a fee of 4½d. per cord from the latter.[1]

The carmen could charge 1s. 6d. for carrying a load of wood to the place of cording and from there to the owner's home; one shilling, however, if it was carted direct to the house from the boat. These rates were to be doubled if the load was taken "without the gate."

Another regulation, not previously noticed, was that corn or other goods brought to the city by the ferry boat were to be taken and immediately unloaded by the carmen; indeed, corn and meal in any boat was to be unloaded before any other work was done.

Another interesting regulation, first appearing at this time, was this, "That noe Carmen doe Ryde upon their Carts in Any of the Streets or Lanes within this Citty."[2] We are left to guess the reason for this. The carman could not consider himself a part of the "reasonable" load he was expected to carry; neither could he load himself with so much that inebriates, if he must walk beside his cart. Or is our "safety first" movement traceable to the city magistrates of 1684? It was not until a generation later that "three

[1] *M. C. C.*, vol. i, p. 138.

[2] *Ibid.*, vol. i, p. 136.

ancient and infirm" carmen were licensed to sit on their shafts, "provided they drive not their Carts faster than a Walk or foot pace, and not a Trot, but slowly and patiently." [1]

These ordinances had been published less than a fortnight when fifteen carmen, whose several names are listed in the records, went on a strike. We have no means of knowing the cause, but it is clear that no ideas of compromise suggested themselves to the government. With a zeal matched by that of a recent mayor in connection with the garbage strikers of 1911,[2] they were "Suspended and Discharged being Any Longer Carrmen," [3] and notice was given that "all and Every person or Persons within this Citty have hereby free Lyberty and Lycence to Serve for hyre or Wages as Carmen (The Sayd Carmen now discharged, and Slaves Excepted) till further Ordor." [4] A week later the magistrates gave further evidence that they were in earnest, when some of the strikers became penitent and desired their jobs back again. They had to acknowledge their fault, pay six shillings as a fine and agree to conform to the "Lawes and Orders Establisht." Even then the mayor might refuse to accept them. Only three are recorded as having been so accepted.[5]

In 1691 a committee of the common council was appointed to make regulations for the carmen. In their report, which was approved by the board on April 18, the following changes in, or additions to, the former regulations are noticed: [6]

1. Instead of a supervisor, two captains are appointed.
2. The number of carmen is increased from twenty to

[1] *M. C. C.*, vol. iv, p. 304.
[2] *The Survey*, November 25, 1911.
[3] *M. C. C.*, vol. i, p. 146.
[4] *Ibid.*, vol. i, p. 147.
[5] *Ibid.*, vol. i, p. 148.
[6] *Ibid.*, vol. i, pp. 218-9.

twenty-four, and each man is to pay six shillings yearly for his license.

3. A carman must drive his own cart and not let it out to another, except with the mayor's permission.

4. The carmen are to take turns weekly carrying away the dirt from the streets and may demand three pence a load when they are obliged to load the dirt on the carts themselves.

5. They are also to take turns daily, one half doing service "att ye Water Side" and the other, within the city.

6. Violations of the ordinances are subject to fines—a new policy. Previously the violator was liable to lose his job. These fines, moreover, are payable, one half to the city, the other half to the informer, a practice the government was now employing with increasing frequency.[1]

It is manifest from the foregoing that the carmen were the street cleaning department of the early city. A much more sensible ordinance about street rubbish was enacted, September 13, 1693.[2] Saturday is "cleaning up" day as before, but no longer have we to picture the inhabitants as shovelling the dirt in front of their houses into the cart while the carmen look on. Their responsibility now is to pay their three half-pence for the removal of the load and to give notice to some carman if the rubbish lies there "Above the Space of Seaven Days." The custom-house bridge was the dump and the city paid the carman three half-pence per load in addition to what he received from the inhabitant.

In 1701 a new ordinance relieved the city from any expense, once more the whole cost resting on the inhabitant, who paid the carman six pence per load, provided the latter loaded the cart himself.[3] In 1702 a record speaks of the

[1] *M. C. C.*, vol. i, pp. 223, 224, 232. [2] *Ibid.*, vol. i, p. 331.
[3] *Ibid.*, vol. ii, p. 144.

dump as "the River or some Other Convenient place." [1] A petition of the carmen on December 10, 1695, for more pay and for a more rigid restriction of their number to twenty-four only was rejected.[2] It was not until 1719 that the vote of three pence per load was raised to four pence half-penny,[3] a rate they had been allowed to charge for "Every hogshead of Rum Sugar and Molasses" just three days after the petition of 1695 had been rejected. At the same time they were allowed nine pence for every pipe of wine they carried.[4]

This discrimination in favor of rum, sugar and molasses disappeared on November 9, 1698, the cartage for the same being fixed at nine pence per hogshead.[5] At about the same time, when the "good and Wholesome Laws" were continued in force with certain amendments, one of the latter read that "there be thirty carmen and as many more as the Mayor And two of the Aldermen Shall think Convenient." [6]

Any treatment of colonial business and trade methods would not be complete without a consideration of the apprentice system. Scant mention of the subject is made by any of the writers of the city's history. Our knowledge of the prevalence of the system in England from the thirteenth century on [7] would make us look for it in colonial New York. Among those record books previously mentioned, which were turned over to the successor of Will. Sharpas in 1740, "four books of Registring Indentures of Apprentice Ship, Three bound in parchment, And the Last (Now in Use) in Leather," were mentioned.[8] The min-

[1] *M. C. C.*, vol. ii, p. 196.
[2] *Ibid.*, vol. i, p. 393.
[3] *Ibid.*, vol. iii, p. 218.
[4] *Ibid.*, vol. i, p. 394.
[5] *Ibid.*, vol. ii, p. 65.
[6] *Ibid.*, vol. ii, p. 64.
[7] Dunlop and Denman, *English Apprenticeship and Child Labour.*
[8] *M. C. C.*, vol. iv, p. 486.

utes further state that the first indenture recorded was under date of February 19, 1695. We are positive, however, of the existence, at a much earlier date, of indentures that were held to be valid in the mayor's court. A case in point bears the date of May 10, 1679, in which William De Meyer sought to free his son, who was bound for four years to Tobias Stenwick. The court ordered that "unless the Plt. and Deft. can agree between themselves the Plt. his sonn is to serve his tyme according to contract and the plt. to pay costs." [1] Another case, in 1682, shows the court favoring the apprentice because the master was "Neglecting to Instruct him." [2] There was an interesting case the following year when the apprentice, who had returned to his father's house because of "unreasonable Correction," was directed to serve his time unless there should be proof of "undue or unreasonable Correcon" in the future.[3]

We may well understand that the year 1695 marks the first definite regulation of the apprentice system by municipal New York. Preceding by a few weeks that first recorded indenture mentioned above was the first ordinance of the common council relating to apprentices, herewith quoted. "Noe Merchant or handy Craft Tradesman Shall take Any Prentice to teach or Instruct them in their Trade or Calling without being bound by Indentures before the Mayor Recorder or Any one of y^e^ Aldermen of the Said Citty and Registred In the Town Clerkes Office and not for A Less Terme than four years; and att the Expiration of the Indentures the Said Apprentice Shall be made Free of the Said Citty by his Said Master if he have well and truly Served him; & that the Clerke have for Registring each Indenture of Apprenticeship as Aforesaid the Sum of

[1] *M. C. M.*, May 10, 1679.
[2] *Ibid.*, November 7, 1682.
[3] *Ibid.*, May 1, 1683.

three Shillings [1] to be paid by the Master of Such Apprentice bound as Aforesaid." [2] This ordinance was reënacted in the same form periodically until October 30, 1711, when the minimum length of service was extended to seven years.[3] The reason stated was that apprentices serving but four years were "seldom Masters of their Trades." [4]

Great emphasis appears to have been placed on proper registration—the mayor's court on July 7, 1719, ruling that Joseph Prosser, apprentice to John Johnson, perukemaker, be "discharged from his apprenticeship the indenture not being Registered according to Law." [5]

The wording of an indenture was copied from that used in the mother country,[6] with variations to fit the particular case. The apprentice agreed to serve his master well and do him no harm, not to "Purloyn, waste or Destroy" his master's goods nor lend them to any one, not to play "att Dice or any other unlawful Game," not to frequent taverns and not to absent himself from his master's service day or night without leave, and not to marry. The master agreed to teach the apprentice his trade, to provide him during his term with "Apparell meate drinke and bedding and all other Necessaries" and at the expiration of his terme to supply him "with two good and Sufficient Suits of wearing Apparell from head to foot." [7] Sometimes the apprentice lodged at home, the master furnishing "meate and drinke"

[1] Philadelphia charged the same fee and in addition "One Shilling and Six Pence to the recorder for the Inrolment." Phila., *M. C. C.*, p. 112.

[2] *M. C. C.*, vol. i, pp. 373-4.

[3] Seven years had become the rule in England over a century earlier. Dunlap and Denman, *op. cit.*, p. 54.

[4] *M. C. C.*, vol. ii, pp. 454-5.

[5] *M. C. M.*, July 7, 1719.

[6] See indenture, dated January 16, 1708, Dunlop and Denman, *op. cit.*, pp. 352-3.

[7] Nicholas Auger, unto Wessel Everston Cooper, *N. Y. Hist. Soc. Coll.*, 1885, p. 567.

only, but providing employment " in parts beyond the Seas " for a portion of the term.[1] William Evans, aged fourteen years, secured unusual terms from his master, Abraham Splinter,—" Convenient time to learn to write and Read and to Cypher as far as the Rule of three," and, at the expiration of his term, the promise of " two New Suits of Apparell one of Broad Cloath and one of Stuffer Searge Six Shirts Six Neckcloaths three pairs of Stockings two pair of Shoes and two hatts." [2]

After the ordinance of 1694, the mayor's court was no more inclined than formerly to allow these contracts to be broken; a rather rigid adherence to them was the rule. To be sure, John Troop, "A Barber and Perrewig maker" (February 20, 1711) wanted £100 damages and was awarded only fifteen shillings and six pence on his complaint that Francis Bouquett incited his son Peter " to depart and Eloign himself from his service." [3] Henry Colie's son James was apprenticed to Peter Ament, a cooper, in 1716; the father complained to the court [4] that Ament did not provide the son " sufficient Cloathes." Father and son, as well as Mr. and Mrs. Ament, were ordered to attend the next session of the court, " to be Examined touching the premises." No further record appears, which probably means that James had a new suit before the next court session.

Girls were apprenticed, too, to be taught " to read English and with such Other Needleworke and Other matters for a good housewife of her ability." [5] The habitual wording

[1] Oliver Schuyler, unto John Barbarie Merchant, *N. Y. Hist. Soc. Coll.*, 1885, p. 594.

[2] William Evans, unto Abraham Splinter Cordwainer, Tanner and Currier, *ibid.*, pp. 578-9.

[3] *M. C. M.*, March 13, 1711. [4] *Ibid.*, August 21, 1716.

[5] Margaret Colly, unto John Crooke, Cooper, and Guartery, his wife, *ibid.*, p. 602.

of the indenture being retained, we are impelled to smile at the injunction that "at Cards Dice or Other Unlawful game she shall not play—nor haunt ale houses Taverns or Play houses"; "a good suit of Cloathes" for the boy becomes merely "a good suit of new Cloaths" for the girl.[1] The same form of apprentice's indenture was frequently used when the church wardens, to free the city from the charge, were ordered to "put out" a fatherless and motherless child, like four-year-old Mary Drinkwater for a term of fourteen years,[2] and her eight-year-old sister Margaret for ten years.[3] In both cases it will be noted that the girl will have become eighteen at the expiration of the term. Four years later nine-year-old Susannah Maria Beyer, "a poor Child without any Parents or Relations," was apprenticed for a term of nine years;[4] nine plus nine makes eighteen, also. In the case of an orphan boy, thus apprenticed, his term was made to end at twenty-one, as we would expect. Richard Blanck, apprenticed at ten for a term of eleven years,[5] and Justus Whitfield, "aged Eight Years or thereabouts," apprenticed for thirteen years,[6] are cases in proof.

The English poor law of 1601 ordered the justices of the peace to bind out as apprentices the children of poor parents who could not support their entire families.[7] We are glad to find no records to indicate that this practice prevailed in New York. On the other hand, the English practice of giving to the apprentice the freedom of the city on the expiration of his term was followed here. In 1717 "Robert

[1] Margaret Colly, unto John Crooke, Cooper, and Guartery his wife, *N. Y. Hist. Soc. Coll.*, 1885, p. 602.

[2] *M. C. M.*, February 22, 1715.

[3] *Ibid.*, March 22, 1715.

[4] *Ibid.*, June 30, 1719.

[5] *Ibid.*, May 18, 1714.

[6] *Ibid.*, May 24, 1720.

[7] 43 Eliz c. 2.

Crannel Junr Glazier and John Stout Barber were sworn Freemen of this City and Ordered to be Registred they having served their apprenticeships within the same." [1] These are not isolated examples.[2]

[1] *M. C. M.*, February 12, 1717.

[2] *Ibid.*, February 19, 1717, May 27, 1717.

CHAPTER III

Regulation of Land and Streets

We began our existence as a walled city, typically European. Within a limited area, shut off by a wall, on the lower end of Manhattan our early population was gathered. All our early maps imply congestion; that is not a word which applies only to twentieth century conditions. The so-called "Duke's plan" interests us particularly as showing the congested area in 1664, when the English took possession. Already the municipality had passed its tenth birthday. We are fortunate also in having a record that acquaints us with the city's thoroughfares and byways at this time. To raise some money the government—as yet one of burgomasters and schepens—decided upon a general assessment, and listed the burghers by streets in making this levy. The Hon. Petrus Stuyvesant, with ten others living on the Marketfield, lead the list. There are twenty such groups in all, including those of the Heere Straat, on the Strand of the North River, The Cingel or City wall, High Street, The Waal, By the Water, The Pearl Street, Behind Pearl Street, The Brewer Street, Winckel Street, Bridge Street, The Heere Graft, The Prince Graft, Prince Street, The Beavers Graft, Marketfield Alley, Smith Street, In the Smiths Valley, Without the Land-gate.[1] Some streets had already been paved,[2] the expense of this being met by assessment on

[1] *Rec. N. Am.*, vol. v, pp. 221-5.

[2] *Ibid.*, vol. vii, p. 167.

the holders of abutting property. The inlet (known generally in the records as "the great Graft" or "the Great Ditch") at what is now Broad Street had recently received considerable attention by having its sides lined with sheet piling. Here again the government had assessed the owners of the abutting property forty guilders ($16) per rod to meet the expense,[1] an assessment that was paid grudgingly by many because they felt that the expense ought to be shared by those who used the waterway.[2] An officer was especially assigned to take "good care and superintendence on the newly constructed Graght that no filth be cast into it; also that the boats, canoes and skiffs be placed in regular order therein."[3]

As further evidence of care we find Governor Lovelace urging the city to arrange to renew the sheet piling of the inlet in 1671.[4] A committee was named by the court to make recommendation at the next meeting, but no further record appears until June 11, 1672. The governor had been heard from again, and now the court gave explicit orders in regard to the necessary repairs; such a beginning as Johannes De Peyster had made was suggested for the others to imitate.[5] We have no means of knowing how completely these orders were carried out, but we do know that three years later the ditch was foul again, resulting in a committee being appointed "to be overseers for the cleansing the great Graft or Ditch." Persons whom they should report, would be fined "for their remissness and contempt."[6]

About a month before this there is a record of a "Surveigh of ye Citty" being made by the mayor and aldermen,"

[1] *Rec. N. Am.*, vol. vii, pp. 246-7.
[2] *Ibid.*, vol. vii, pp. 253-5.
[3] *Ibid.*, vol. vii, p. 215.
[4] *Ibid.*, vol. vi, p. 329.
[5] *Ibid.*, vol. vi, pp. 377-8.
[6] *Mayor's Court Minutes*, June 1, 1675.

" a Propper place for a church and Shoomakers Tan Pitts " being a particular object in view.[1] A survey of the Graft [2] also was ordered to be made at this time while the cleansing was under way, Johannes De Peyster being a member of both committees. Very likely as an outcome of this survey the court changed its policy completely the following year, when it ordered that the inhabitants

> Living within the Streete Called Heregraft Shall forth with & without delay fill up the graft or Ditch & make the Same Levell with the Streete and then to pave & pitch the Same before there doores with stones Soe far as Every Inhabitants house shall be fronting to wards the Said Graft Or Ditch: upon paine of Every Person: Soe neglecting Shall have Such fines inflicted upon them as the Courte Shall thincke fitt.[3]

Thus, probably with no malice aforethought, the newly created English common council abolished this reminder of the Dutch " Vaterland."

Not until now did Broad Street really exist and come under the control of the supervisors of roads and fences. These officials first appear in the city records of 1666, when " Tho: Hall and the other farmers both on this and on the other side of the Fresh Water " [4] were ordered to nominate six proper persons as " Overseers of the Roads and Fences lying around this City." [5] Two weeks later the court elected from these nominees Dirck Sicken and Jan Langestraat [6] and these men appeared at the next session of the court and took oath to render justice " without distinction or regard

[1] *M. C. M.*, April 26, 1675. [2] *Ibid.*, June 24, 1675.

[3] *M. C. C.*, vol. i, p. 19.

[4] A name appearing very frequently in the records and applied to a body of water which formerly existed where " The Tombs " is now.

[5] *Rec. N. Am.*, vol. v, p. 342. [6] *Ibid.*, vol. v, p. 345.

of persons." Supervisor Langestraat was reappointed several times and later on he had two associates instead of one.[1] Their powers extended beyond the Fresh Water because Governor Nicolls had included the whole island within the city.[2] They cared for the laying out and opening of streets,[3] also for keeping them in proper order[4] and paving them.[5] With the appointment of Johannes de Peyster, Isaac Greveraet, Coenraet ten Eyck and Hendrick Willemson as overseers in 1670, the following instructions are interesting enough to quote in full.

Imprimis: The said Overzeers are hereby required to order that the Streetes Which are to be paved be laid out as level and even as possible may be, according to the Convenience of the Streets.

Secondly That the passage be Raised about one foot higher then the Middle of the Streets to the end the water may take its Course from the passages towards the Middle of the Streets aforesaid.

Thirdly And in Case the Neighbours are inclined to wards the paveing of the Whole Streetes, they have Liberty soo to doo, provided that all the Neighbours do Jointly agree about the same.

And all persons Concerned are hereby required & Strictly Charged to obey the orders of the said Overzeers, according to the Tennour of the act publisht; Given under my hand In New York this 2nd of April Anno 1670.

Signed: Corn. Steenwyck Mayor.[6]

The next appointees (three in number) in April 1671 were to "conduct themselves according to the instructions for Overseers delivered to their predecessors." Particular di-

[1] *Rec. N. Am.*, vol. vi, pp. 222, 296.
[2] *Ibid.*, vol. v, p. 249.
[3] *Ibid.*, vol. vi, p. 235.
[4] *Ibid.*, vol. vi, p. 296.
[5] *Ibid.*, vol. vi, p. 229.
[6] *Ibid.*, vol. vi, pp. 228-9.

rections were given to them to coöperate with the magistrates of the village of New Haerlem in laying out "the most suitable road" between the city and the village. After that, on the first of May, "the said road shall be made fit for use by the inhabitants of the Village of Haerlem and the householders both on this and the other side of the Fresh Water, each for his limits; and that on such penalty as shall be fixed by said Magistrates and Overseers." [1]

It was in the fall of this same year (1671) that Governor Lovelace had recommended to the court the repair of the sheet piling of the Graft before mentioned.[2] In the same letter he made two other recommendations: first, that more effective measures be taken against those that had been negligent in the paving of their street fronts; second, "that ye warfes on ye Waterside might be finished." Such recommendations naturally would have been referred to the supervisors, but for some reason the court

> thought fitt to Nominate and Appoint Mr. Allard Anthony Sheriff, Mr. Nicolaes de Meyer and Mr. Frederick Philipse to take a view of ye said streetes, and to Cause those that are Defective therein to finish ye same and further to take a vieu of ye said Warfes and heere Graft, according to ye tennor of his honnors Letter and to give their advice thereuppon att ye Next Court day.[3]

It may have been the intention of the court to "kill" these recommendations in committee; at least, the committee does not appear to have reported.

On June 11 of the following year the overseers, having the same membership as in 1670 except that Lourens van der Spiegel appears in place of Isaac Greverat, recommended among other things the paving of a "Strooke or foot path" before the front of the houses from "the house of Mr.

[1] *Rec. N. Am.*, vol. vi, p. 296.
[2] *Cf. supra*, p. 76.
[3] *Rec. N. Am.*, vol. vi, pp. 329-30.

Bedloo at the Waterside to the house of Cornelis Van Borsum and from thence to the house of Mr. Steenwyk," also from the house of Dominie Niewenhuysen to the State House.[1] This was the location of the city's first stretch of sidewalk.

After New Orange became New York, in 1674, the appointment of overseers ceased for a time. The new government faced a problem of a somewhat different nature. Several persons expressed a desire to settle within the city, but could not buy houses or land on which to build homes. The congestion was not so great that all the land was taken up, but the owners refused to build or sell. Even the Dutch burgomasters might not have recognized this problem as one to be referred to the overseers of streets. The English mayor and common council, at any rate, named a committee of eight, later increased to eleven,[2] forthwith to " Servey and value all the vacant Land, and ruinated or decayed houses within this Citty, convenient or fitt to build." [3]

The committee having reported such valuations, the governor authorized the common council to publish an ordinance to the effect that all land not fenced off shall be deemed vacant and disposed of by the governor " for the Publick good." Houses that were " decayed " might be purchased from the owners at the appraised value, as well as lots of land conveniently situated for building, unless the owners saw fit themselves to construct thereon " Sufficient dwelling howses" within a year.[4] About a month later, July 24, 1676, it is evident that building operations had commenced, because it was ordered that the ground upon which any house was to be erected must be first viewed by a committee, whose statement was to be a matter of record. The same

[1] *Rec. N. Am.*, vol. vi, 375-6.
[2] *M. C. C.*, vol. i, p. 15.
[3] *Ibid.*, vol. i, p. 14.
[4] *Ibid.*, vol. i, p. 19.

committee was charged with a similar responsibility whenever a street was to be paved.[1] This committee, therefore, was practically a board of overseers without the name.

The increasing necessity for establishing street lines and building lines emphasized the work of the surveyor and we are not surprised to find a city ordinance in 1684 providing "That there be Sworne Surveyors Apoynted for this." Six shillings was the fee to be paid by the owner to the surveyor who laid out a house lot and gave him a certificate thereof. No one could build on a lot until its front was properly surveyed. Any paving of the street in front of the lot must be done in "such manner as appointed by the Said Surveyors." In general, through their efforts it was intended "That a Regular Order, and Uniformity may be kept and observed in the Streetes."[2] The first two "surveyors for y^e^ Citty of New York," whom the records reveal, were Adolph Peterson and Peter King, in 1688.[3] Both these men had been members of the building committee in 1676. Peterson continued to be surveyor the rest of his life.[4] King, later on, became a member of the city council, and served on many committees that were concerned with lands, docks and fortifications.[5] James Evetts was King's successor as surveyor in 1693[6] and there is among the archives of the Reformed Protestant Dutch Church, under date of 1696, a survey of 164 lots south of Wall Street laid out by him.[7]

To King and Peterson, surveyors mentioned above, was intrusted a task of considerable magnitude in 1686 by Mayor Bayard. They were to survey vacant lands in and near

[1] *M. C. C.*, vol. i, p. 21.
[2] *Ibid.*, vol. i, pp. 137, 226.
[3] *Ibid.*, vol. i, p. 195.
[4] *Ibid.*, vol. i, pp. 226, 320-1, 372.
[5] *Ibid.*, vol. i, pp. 237, 250, 267, 272, 274.
[6] *Ibid.*, vol. i, p. 320.
[7] Stokes, *Iconography of Manhattan Island*, vol. i, plate 24.

the dock, "ffrom ye weigh house to ye Citty hall," and lay out the same in lots 24 feet broad and reaching 80 feet into the dock, leaving sufficient space for a street in front of the lots on the land side.[1] It is to be remembered that it was in this year that Governor Dongan granted a charter to the city. This charter had cost £324, but the extent of the city was defined as the whole of the island of Manhattan, including "all the Rivers Rivoletts Coves, Creeks waters and Water Courses belonging to the Same Island as far as low water marke," [2] and the right of the common council to sell lands was definitely established.[3] Indeed it would almost seem that the governor intended to make it very clear to the petitioners for a charter how it was possible for them to raise an amount of money that exceeded the expenses of the city for an entire year. This charter was granted in April [4] and the aforementioned orders to the surveyors were given by Mayor Bayard in September, as a result of which fourteen lots were laid out and reported by the mayor the following May as having been "sold to severall persons" for £470.[5]

This is the beginning of the city's sale of its lands. We are fortunate to have the records of these first grants.[6] The first one is recorded under date of December 3, 1686: "A Grant of a Lott of ground neare the Dock to Benjamine Blagge." Among the grantees appear the names of two women, Maria Schrick [7] and Henrica Anthony; [8] also the name of Governor Dongan himself, who receives a grant "in consideration of a valluable Sume of money to the said Mayor Aldermen and Commonalty." [9]

[1] *M. C. C.*, vol. i, p. 195. [2] *Ibid.*, vol. i, p. 294.
[3] *Ibid.*, vol. i, pp. 297-8. [4] *Ibid.*, vol. i, p. 305.
[5] *Ibid.*, vol. i, p. 188.
[6] *Volume of water grants 1686-1701*, Room 733, Municipal Bldg.
[7] *Ibid.*, p. 13. [8] *Ibid.*, p. 27. [9] *Ibid.*, p. 12.

Even after these lots were sold the city was still in debt and it was ordered, "that the Mayor see what land about y^e^ Citty may be sold and that he make sale thereof in order to the payment of the said Debts." Again, land by the waterside to the east beyond the first lots was ordered surveyed and laid out in lots.[1] Two months later the mayor reported that he had sold these for two hundred ninety-three pounds, seventeen shillings and six pence.[2] Black figures that the first sale averaged more than one pound per front foot, and the second sale about fifteen shillings.[3]

Just here we have one of the very few recorded instances when the common council gave orders for the naming of a street, the thoroughfare fronting the "New lotts by ye Water side from the Weighhouse to Martin Clocks" being designated as "Dock Street."[4]

When, the same year, Governor Dongan expressed the desire to Mayor Bayard that care be taken to make new buildings at the dock uniform, it looked like more work for the surveyors, but the common council ordered that "y^e^ Mayor with such as he shall thinke fitt Discourse y^e^ severall Purchasers of y^e^ lotts there uppon that Point." At the same time they ordered Aldermen Cortlandt and Dekey to make a report on the condition of the streets, "that Care may be taken for makeing Comon shores and to Pave and mend them as will be found necessary."[5]

It is to be remembered that this was after the time of Dongan's charter and the division into wards. The aldermen and assistants in the several wards were beginning to

[1] *M. C. C.*, vol. i, pp. 188-9. "From Coenratt ten eycks to Martine Clocks" is the exact reading.

[2] *Ibid.*, vol. i, p. 190.

[3] Black, G. A., *History of Municipal Ownership of Land on Manhattan Island*, pp. 20-21.

[4] *M. C. C.*, vol. i, p. 190.

[5] *Ibid.*, vol. i, p. 188.

care for their own poor and, in general, to represent their constituents in the common council. Land in the Dock Ward had received the special attention noted above. The next year the Bowery Ward was honored by the appointment of three men to be "over seers of ye Highways and ffences."[1] Directions for the building of Dock Street were not given until after the Leisler episode. "A good and Substantiall Stone Wall of three foot and one halfe Broad" was to be built at the water side, close to which piles seven inches in diameter were to be driven five feet apart, against which boats would rub instead of against the wall. These piles were to be bound together by a plate at the top. The city guaranteed to the owners of these lots that no building should be built in front of them.[2]

A start once having been made in acquiring funds by selling water lots, it became very easy to continue to do so when a particular need arose. For instance, a new market house and ferry house were considered desirable in 1691 and more water lots were sold, yielding £397;[3] and the next year still others, yielding £594 5s. These latter sales are interestingly summarized for us in the common council minutes thus:[4]

Major Merritt ..... 2 lotts	£61	Security	Capt. Clarke
Mr. Mayor ..... 5 lotts	£153:10	Secū	Majr Merritt
Mr. Geo: Heathcott.. 1 Lott	£38:10	Secūr	Mr. Mayor
Cap. Clarke ..... 5 lotts	£135:—	Secūr	Majr Merritt
Dirrick vanden Burgh ..... 3 lotts	£59:5	Secū	Johañes Kipp
Capt. Nich d: Morrice .... 1 Lott	£26:10	Secū	Coll: Cortlandt
Mr. Morrice ..... 1 Lott	£23:10	Secū	Capt. Clarke
Capt. Skuyler ..... 2 lotts	£44:—	Secū	Johañ̄ Kipp
Coll. Cortlandt ..... 3 lotts	£53:—	Secū	Capt. Skuyler

[1] *M. C. C.*, vol. i, p. 194.
[2] *Ibid.*, vol. i, p. 259.
[3] Black, *op. cit.*, pp. 20-21.
[4] *M. C. C.*, vol. i, p. 279.

As time went on, the conditions on which the sale of these lots was made became more carefully specified. It had been expected that the first fourteen purchasers above mentioned would, with some degree of expedition, place their section of the waterside in good condition, "filling up and Levying [leveling] all vacant holes and Spaces." [1] Although many different dates were set for the completion of the same, as late as October 20, 1691, a large number were reported as still incomplete.[2]

The conditions prescribed for the disposal of the 13 lots in 1691 were, that the purchasers should "fill up ye ffront of the Said Land with one intire house which shall be Two full Storyes high above the ground." The side fronting the street must be either of brick or stone.[3] When the twenty-five lots, reaching up the East River to Beekman's slip, were offered for sale, on May 27, 1692,[4] very careful arrangements were made. In the first place, after the survey was made, a value per front foot was fixed for the various lots. Those nearest the dock were said to be worth twenty-five shillings per foot and this valuation diminished to fifteen shillings for those farthest away. Then the holders of the adjacent upland were given the first chance to purchase, at the appraised value, the lots "in their ffront." [5] Every purchaser had to find sufficient security to pledge the fulfillment of the conditions. Definite time limits were set for the completion of payment for the lots. Details for the construction of the wharf were specified. It was to be thirty feet broad, and the outer part was to be laid to low water mark, and be laid in a frame of boards such as the surveyors should specify. A definite time was fixed for

[1] *M. C. C.*, vol. i, p. 250.
[2] *Ibid.*, vol. i, p. 251.
[3] *Ibid.*, vol. i, p. 259.
[4] *Ibid.*, vol. i, p. 278.
[5] *Ibid.*, vol. i, p. 273.

the completion of the wharf—a time that allowed the purchaser about eighteen months—with specified penalties for failure so to do. Such sums were to be shared between the city and those neighboring owners who suffered damage by the delay. A notable change of policy appears, however. Whereas the wharves previously built were declared "to remaine to the use of the Citty," [1] now each purchaser was to keep his particular wharf in repair and "in Consideration thereof to reape the benifitt of his Wharfe." [2] Wherever a street, like King Street or Maiden Lane, terminated at the water side, at this point the city itself agreed to build a wharf, "equall with the purchasers" within the same limit of time and under the same penalty for delay.[3]

As recorded above, twenty-three of the twenty-five lots offered for sale under these conditions were disposed of within three months and some of the purchasers began at once to meet the conditions. This we know from a record, August 10, 1692, according to which they were granted permission to get dirt for filling in their lots by digging and leveling under the direction of the surveyors so much of "the hill by Mr. Beekmans" as belongs to the city.[4]

Thus far we have noted transfers of land initiated by the city for relief from financial embarrassment. In the midst of such activity it is interesting to record one transfer of an entirely different character. It was that of 1691, initiated by the "Minister, Elders, Deacons and Congregacon of the Dutch reformed Church." They had picked out a piece of vacant land on the rising ground remote from the strand, which they wished to purchase, whereon to erect "a Church for the publick Worshipp of Almighty God." [5] It was duly sur-

[1] *M. C. C.*, vol. i, p. 259.
[2] *Ibid.*, vol. i, p. 278.
[3] *Ibid.*, vol. i, p. 279.
[4] *Ibid.*, vol. i, p. 280.
[5] *Ibid.*, vol. i, p. 260.

veyed, laid out, and sold for 180 pieces of eight (about £54),[1] Samuel Bayard giving his bond for £100 that the land would be used only for "A Church or houses for pious and Charitable Uses."[2]

In 1694 the city was beginning sorely to feel the expense incurred for defence against the possible attack of a French fleet, and Mayor De Peyster told the common council, at the meeting of August 27, that some means should be taken to satisfy the city's creditors. It became easy to resort to former methods and more lots on the East River front between the Old slip and Wall Street were sold.[3] Preference was again given to the inhabitants whose lands these lots fronted, provided they were willing to pay thirty shillings per foot;[4] two of these land owners, Daniel Veenvos and Thomas Lamberts, conceived that their property reached down to low water mark and became somewhat excited. So much so, that they went over the heads of the city magistrates and petitioned Governor Fletcher. The latter sent an order to the council to stay proceedings until a hearing could be given.[5] The protestants were unable to make good their claims, so agreement for the sale of several lots speedily followed, to Daniel Veenvos among others.[6] Three neighbors of Daniel were granted the lots fronting them at twenty-four instead of thirty shillings per foot, with the understanding that they should build next to Wall Street a wharf twelve feet wide to low

[1] *M. C. C.*, vol. i, p. 261. [2] *Ibid.*, vol. i, p. 266.

[3] *Ibid.*, vol. i, p. 357. [4] *Ibid.*, vol. i, p. 359. [5] *Ibid.*, vol. i, p. 361.

[6] *Ibid.*, vol. i, pp. 362-4. Veenvos died shortly thereafter, before the sale was consummated, and his widow two years later had not complied with the terms of the agreement made with her husband, still disputing the city's right to the water front. At one time she had assumed to erect a building thereon, (vol. i, p. 410) but had been warned off. It is probable that she finally agreed to pay £40 (vol. i, p. 420) instead of the £60 previously demanded of Daniel.

water mark; they were also to make a slip adjacent to the wharf.[1] Enough has been said to show, first, that in the last decade of the seventeenth century the city surveyors had become very busy people; secondly, that the East River front of Manhattan Island, through increasing revenues from the sale of its water lots, had come to have a recognized value.

Noticeable is the lack of interest in the Hudson River front; it did not mean much as yet to own land facing the Jersey shore. A vacant tract of sixteen acres had been sold in 1686, bringing a pound per acre.[2] The only other sale recorded on this side of the island was made in 1700, after a new city hall had been erected and the city government was trying to find the funds to complete the payment therefor.[3] This was an upland tract, "on the North side of Teunis Ides."[4] A rough survey indicated "two hundred Acres or thereabouts," which were auctioned off to the highest bidder for two hundred and sixteen pounds. Of such value, two hundred years ago, was the land on a small section of which Columbia University stands today.

Soon after the opening of the new century an improved policy was inaugurated, that of leasing desirable lands rather than selling them.[5] We cannot be sure how this change of policy is to be explained. Black suggests a quite plausible explanation.[6] The particular land, some sixty acres, that one Thomas Coddrington desired to purchase, was located to the east of where the Metropolitan Museum of Art now stands. Governor Nicolls, in his patent to the inhabitants of New Harlem in 1666,[7] had drawn a line diagonally across

[1] *M. C. C.*, vol. i, p. 368.
[2] Black, *op. cit.*, p. 19.
[3] *M. C. C.*, vol. ii, p. 122.
[4] *Ibid.*, vol. ii, p. 125. North of the present 107th St.
[5] *Ibid.*, vol. ii, p. 264.
[6] Black, *op. cit.*, p. 25.
[7] Riker, *History of Harlem*, pp. 252-3.

the island from the foot of the present Seventy-fourth Street to the vicinity of what is now the Fort Lee ferry. The Harlemites, however, might go farther west into the woods, beyond the aforesaid bounds for pasturage. It was surely some of the land last mentioned that Coddrington desired to purchase. In granting him a lease Black thinks the city officials of New York were seeking to protect the commons from encroachment on the part of the Harlemites, and not to get revenue.[1] The same author would have strengthened his argument, if he had noted in the common council minutes, that at the expiration of the twenty-one years of the lease the lessee was to "leave A sufficient fence round the demised Premisses."[2]

It would be easy to consider the question thus solved, if the corporation had not made arrangements at exactly the same time to lease Beeckman's swamp[3] for twenty-one years to Rip Van Dam "for the Yearly Rent of twenty Shilings per Annum."[4] Here there was no fear of encroachment on the part of Harlemites or anyone else. Furthermore, Van Dam would have been glad to buy the land[5] if the city had been disposed to sell rather than lease.

We are rather forced to the conclusion that some thought for the future of the city must have taken possession of the common council. Why not credit such to our municipal forefathers when there is such a good chance? And it is a pretty safe guess that Cornelius De Peyster inspired his colleagues of the board to adopt such a policy. This man

[1] Black, *op. cit.*, p. 25. The actual revenue was six pence a year per acre. *Cf. M. C. C.*, vol. ii, p. 273.

[2] *M. C. C.*, vol. ii, p. 274.

[3] About midway between Ctiy Hall Park and East River.

[4] *M. C. C.*, vol. ii, p. 274.

[5] *Ibid.*, vol. ii, p. 266.

was serving his first term in political office,[1] the beginning of a career in the service of the city that continued nearly half a century, almost without a break, until his death in 1749 or 1750.[2] From 1718 until he died De Peyster was city chamberlain. He was on the committee that treated with Coddrington about his land.[3] Significant indeed was the institution of such a policy when we think of the possibility of loss to the modern city of the parks that were then the commons in the center of the island. This very tract of sixty acres, thus leased for twenty-one years, was leased again to Coddrington's widow for five years, December 20, 1726,[4] but reclaimed by the city before the five years had elapsed because the conditions of the lease were not fulfilled.[5]

Let us turn now to such problems as the young city had in connection with keeping her streets, lanes and byways in something like a sanitary condition. Even in these modern days, when the city provides every facility for the disposal of refuse and garbage, for a pure and adequate water supply and proper drainage, it requires a Health Department with over 3000 employees, very largely to protect us from ourselves. Every vacant lot is witness to the fact that an open window is handier than a garbage can. In congested districts, where there are no vacant lots, it is not uncommon day or night to see old buckets, mattresses or dilapidated furniture fall from a top-story window to street or sidewalk, there to be seized upon by street gamins for complete demolition.

In an even less restricted sense the city street belonged to everybody two and a half centuries ago. Dwellers by the strand, to be sure, might find the water to be near

[1] *M. C. C.*, vol. ii, p. 239.
[2] *Ibid.*, vol. v, pp. 276 and 280.
[3] *Ibid.*, vol. ii, p. 269.
[4] *Ibid.*, vol. iii, pp. 401-2.
[5] *Ibid.*, vol. iii, p. 473.

enough sometimes to consign their refuse to the waves, and the aforementioned "foulness" of the Graft bespeaks the presence of humanity residing near by. There was, however, not only the human, but the animal problem. The street and fire departments today can tell you long stories of their troubles arising from the unrestrained small boy. Then a somewhat different problem was the unrestrained hog, goat, sheep, horse and cow. Of course they had the dog, too, the most recent domestic creature for the modern city to bring under restraint, but he was so harmless as compared with the rest that he escapes mention in the records. The aforesaid animals at large were sufficiently vexatious to Director General Stuyvesant in the years before the city was chartered, so that he issued orders seeking to abate the nuisance, but apparently with little effect. It was injury to fort and orchard and garden that particularly weighed on Peter's mind, and the city was not yet two months old before the director tried to make the new government accomplish what he had been unable himself to do. His letter to them, translated from the Dutch, reads thus:[1]

Honorable, Dear and Distinguished Friends.

We see with great grief the damages, done to the walls of the fort by hogs, expecially now again in the spring when the grass comes out. We made an order concerning it last year at the request of the Select Men, who promised properly to fence in the fort and to keep the hogs meanwhile from the walls. But seeing after the lapse of a year that nothing or at least only little has been done and that what has been done at the fort has again been destroyed by the pigs, as may daily be learned, we are compelled to enter a protest about the nonfulfillment of the promise, being told that the failure of it, the destruction of the walls and all our works, is caused by the Select Men hav-

[1] *Rec. N. Am.*, vol. i, p. 78.

ing been superseded and their authority and duties transferred to Burgomasters and Schepens who had accepted to do the work. How this is we do not know, but we see to our trouble and shame the pigs daily on the walls, busy with their destruction. Therefore we request Burgomasters and Schepens to give an order in accordance with the before mentioned promise and prevent the pigs. Else we shall be compelled to carry out our former order. Relying thereon we remain, Honorable, Dear, Distinguished Friends,

Your well meaning friend,
P. STUYVESANT.
N. Amsterdam
Ulto. March, 1653.

One may see that such a letter might easily rub the new magistrates the wrong way, and threats are said always to be wasted on Dutchmen. However, they went through the form of doing something, determining "provisionally to engage a herdsman and in the meantime to make the fence as quickly as possible." [1] If any fence was built with the posts the governor promised to furnish, it was not effectual against the pigs, and another communication was received from Stuyvesant, August 12, 1653. He could scarcely have made the burgomasters and schepens believe that it was "certainly the practice in no place to permit cattle to run at large to the injury and damage both of individuals and the public," [2] as they were all familiar with similar conditions in the Fatherland. However, some new work had just been completed on the fort, and the "injurious and intolerable destruction" daily committed by hogs which he called to their attention led them to "order their court messenger to notify the Burghers that everyone of them shall take care of his hogs or keep them in the sty until the fort and re-

[1] *Rec. N. Am.*, vol. i, p. 79.

[2] *Ibid.*, vol. i, p. 98.

cently constructed works have been fenced in with palisades to preserve said works from damage." [1]

The order above plainly shows that the magistrates did not feel that public opinion would support an order for permanent exclusion of the animals from the streets. Indeed, the next experiment four years later was one compelling owners to put rings "through the noses of their hogs," in order that they might not by their rooting make the streets "unfit for driving over in wagons and carts." [2]

The first municipal ordinance concerning the disposal of refuse is recorded under date of 1657 and reads thus:

> Henceforth no one shall be allowed to throw into the streets or into the graft any rubbish, filth, ashes, oyster-shells, dead animal or anything like it, but they shall bring all such things to the to them most convenient of the following places, to wit the Strand, near the City hall, near the gallows, near Hendrick the baker, near Daniel Litsco, where tokens to that effect shall be displayed, but not on the public streets under a penalty of 3 florins for the first offense, 6 florins for the second, and arbitrary punishment for the third. Furthermore, everybody is ordered to keep the streets clean before his house or lot under the preceding penalties and that this be done, we herewith charge and command our Officer to execute this order after publication and to proceed against all transgressors, as in duty he is bound." [3]

Under the provision of the ordinance above would everyone be fined who threw refuse into the Graft? Evidently some thought not, because the magistrates promulgated another ordinance before the year was out (December 3, 1657) forbidding "that henceforth anybody shall make so bold, as to throw into said graft any filth whatever, but he must carry

[1] *Rec. N. Am.*, vol. i, pp. 97-8.
[2] *Ibid.*, vol. i, p. 38.
[3] *Ibid.*, vol. i, p. 31.

it to the places mentioned in the proclamation of the 20th of February of this year under the penalty of 25 florins." [1] The increase in the fine should be noted. Another nuisance was caused by some persons constructing their privies level with the ground, with an opening towards the street in order that hogs—here they are again—" may consume the filth and wallow in it." This not only produced "a great stench," but also made the streets " foul and unfit for use; " indeed it led to a proposal so radical as this, " that no Burgher shall keep any hogs within this City." [2] Such structures "coming out upon the street " were ordered removed within eight days and placed where they would give " the least offense to the community under the penalty of six florins for the first time, double as much for the second, and arbitrary correction the third time." [3] On another occasion, in the Dutch city, a great stench was reported arising from the presence of some dead hogs lying " here and there on the street." The schout was notified to send the city's negroes to collect and bury the same.[4]

The city passed from Dutch to English rule in 1664, but all rulers looked alike to the unruled pig family. Witness the peril to that most sacred of all places, the " open and unfenced " city graveyard, so rooted by the hogs that Govert Loockermans, church warden, was sent for. He reckoned it would cost five hundred guilders to fence the same properly. There was not the necessary money " in the chest," so " it was concluded that a collection be made." [5] Five months later there was still no fence, the graveyard being as before the choicest of all rooting spots for the sovereign pig. Govert was again summoned to court together with

[1] *Rec. N. Am.*, vol. i, p. 33.
[2] *Ibid.*, vol. vii, p. 187.
[3] *Ibid.*, vol. i, p. 38.
[4] *Ibid.*, vol. v, p. 45.
[5] *Ibid.*, vol. v, p. 253.

his fellow warden, Johannes de Peyster. They referred to the "trifling income" of the church and spoke of many small debts that were "due here and there," which the empty "chest" did not allow them to pay. Thereupon the mayor and aldermen "resolve to advance from the Burghers excise" the amount necessary to build the fence, the church wardens promising to repay "from the first incoming money." [1]

A man who figures almost as frequently in the early records of the city as Peter Stuyvesant himself, is Allard Anthony. He was one of the first board of schepens in the city and commanded Governor Nicolls' respect sufficiently to be appointed sheriff in the English city. He likewise was an owner of hogs—the same untethered species. His wife complained before the mayor's court, September 15, 1668, that some of her pigs had been found killed on the land of certain neighboring negroes. The Africans denied being guilty of killing the animals. Anthony had been fined a short time previously for damages caused his negro neighbors because of his "imperfect" fence. It is a very safe guess that the damages were traceable to his hogs and that the negroes took vengeance. The court ordered the ex-sheriff to repair his fence to prevent any further damage, while the aforesaid negroes were told "to keep still and quiet, so as to give no cause of complaint to their neighbours." [2] Probably Allard patched up his fence a little under this pressure from the court, but about six years later (December 22, 1674) it was declared "insufficient" again by another neighbor, Henry Van Dyke, who complained before the court that "hee was greatly damnified, Cattell and hoggs having thereby destroyed his Orchard and fruite trees." The defendant pleaded that he could not repair his fence

[1] *Rec. N. Am.*, vol. v, p. 313.

[2] *Ibid.*, vol. vi, p. 146.

"untill ye weather broke up," and he escaped without penalty under orders "to doe it with all possible speed he could."[1] On March 23, following, after the "weather" had "broken up," the court discovered the fence untouched and now ordered "that ye Deft Doe speedily make up ye fence" and that "good men to bee appointed to view the damage."[2]

It was now 1673, burgomasters and schepens are again at the helm, and a fresh attack was made upon the pig problem, thus:

> We, Schout, Burgomasters and Schepens of this City of New Orange have thought fit for the good of this City and the preservation of its newly erecting fortifications to order and enjoin on all our good inhabitants within this City and its jurisdiction unto the Fresh Water to prepare to confine all their hogs within the time of twice 24 hours and not to suffer them to roam along the streets and highways on this side of the Fresh Water, upon forfeiture of said hogs, to be applied one half of the officer and the other half for the City."[3]

This order was issued on August 28. An order concerning these privileged creatures, if respected for the time being, might easily have been forgotten four months later. At any rate the director general of New Netherland became concerned at the presence of the hogs "in multitudes along the public streets," committing great damage on the earthen fortifications. Not merely forfeiture of the hogs this time, but "double the value thereof" was to be the penalty, if the animals came "to, in or on the bulwarks, bastions, gardens or batteries" of the city.[4] It is significant that under these orders one half of the penalty went to the informer, the other half to the schout.

[1] *Mayor's Court Minutes*, December 22, 1674. [2] *Ibid.*, March 23, 1675.
[3] *Rec. N. Am.*, vol. vi, p. 406. [4] *Ibid.*, vol. vii, p. 36.

The magistrates of New Orange gave further evidence of their thorough program by publishing a notice, after causing a suitable pound to be erected, that stray animals were to be delivered to the pound keeper, by whom they were not to be released until specified fines had been paid, two and one-half florins for a horse, one and one-half florins for an ox or cow, one florin for a hog "above four months," and twelve stivers for a sheep or goat. The fine was to be doubled if the creature was found astray before sunrise or after sunset. Cattle, inclined to be wild and "leap over proper fences," must be tied up or removed elsewhere when so notified.[1] Just how effective these strict orders were we have no means of knowing. No cases involving the genus pig or any stray cattle appear in the court records of the following nine months, the length of time New Orange continued to exist. It is hardly safe to assume from that, however, that these favored creatures disappeared from the streets. If they did, some of them were back again in a hurry. When the English were in command once more, a new proclamation was in order. "This day (March 24, 1675) was Proclaymed the edict prohibiting hoggs going about the streets of the Citty, longer than 8 days after the Publication."[2] Penalties were imposed as follows: twenty shillings for the first offence, forty shillings for the second, forfeiture of the hogs for the third, such hogs to be at the disposal of the mayor or his deputy. It rested with the constables to carry out this latest edict. It is to be observed that this edict is not only milder in its penalties than the New Orange proclamation, but also its jurisdiction is less extensive—merely the streets of the city. The question about loose pigs and sheep "att ye Bowery" came up in 1682; the former were barred from the locality, but "Sheep being noe ways Hurtfull"

[1] *Rec. N. Am.*, vol. vii, pp. 22-3.

[2] *Mayors' Court Minutes*, March 24, 1675.

were allowed their freedom.[1] Toward the close of the century, in 1695, the "Running of Hogs & Swine In the Out Ward of this Citty and Liberties of Harlem" became "very offensive and Injurious" to the people living there. An order followed that hogs or swine "within the Said Precincts Shall be Kept within good and Sufficient Fence."

Furthermore, any one was allowed to kill stray pigs "without being Accountable for the Same to the Owners thereof." Alderman Dow was appointed to post a notice of this order "In all the Publick places In the Said Ward."[2] This did not please the Harlemites, who made an appeal "that they may have Liberty for their Hoggs to Run att Large." This liberty was granted, provided they made their fences "Six Rales High in Order their Improved Land May not be Damnified."[3]

There is a noticeable absence in the court records of any actions regarding these creatures against whose nomadic life so many threats were uttered. Probably, then as now, it was the damage not so much to property as to human nostrils that effectually kept the animal in restraint or banished him from society. The sweeping ordinance of 1744 against nuisances did banish him from that portion of the city south of the Fresh Water.[4] Yet, as late as 1789, the following newspaper doggerel appeared:[5]

O yes! O yes! O yes!
This is to give notice
To all Hogs, Pigs, Swine and their Masters
That from the first of February '89
If any person suffer his, her, or their Swine
To gallop about the streets at large
Full twenty shillings is the charge
For each offence.

[1] *Mayor's Court Minutes*, February 20, 1683.

[2] *M. C. C.*, vol. i, pp. 382-3. [3] *Ibid.*, vol. i, p. 402. [4] *Ibid.*, vol. v, p. 120.

[5] Smith, T. E. V., *The City of New York in 1789*. The ordinance referred to in this doggerel passed the common council November 19, 1788, after having been rejected in the previous July.

Reverting to the accumulation of filth on the streets and the removal of the same, we find the same practice in vogue under the English régime as under the Dutch. Every man continued to be responsible for the cleanliness of the street in front of his own house or lot. There were rascals who took filth from their dwellings and deliberately cast it into the street in front of others' houses, and the court got after one John Sharp in 1671 on that very account.[1]

The use of carts for carrying away garbage and refuse is traceable first to the year 1670, when the carmen of the city, in consideration of certain requests, were called upon "by turns weekly on every Saturday in the afternoone" to cart away to a designated place the dirt from the paved streets, "provyded the dirt be throwne & Loaden uppon the Cart by the owners or tenneants of the houwses in the said streets."[2]

On the last day of December, 1675, the common council took occasion to give notice once more that all persons must clean the streets "before his or her dores."[3] On the same occasion obstructions in the streets for the first time received any considerable attention. Back in 1656 Director Stuyvesant had recommended to the magistrates action concerning "the crowding of the streets with stones and timber."[4] and we are led to infer that some ineffective orders may have been issued some years later. Now, however, all persons that shall "Sett any Wagons, Carts, or Sleade in the Streetes" will be proceeded against.[5] About a year later (November 13, 1676) we find for the first time an ordinance imposing a fine on any one who throws into the street

[1] *Rec. N. Am.*, vol. vi, p. 349.
[2] *Ibid.*, vol. vi, pp. 273, 360-1.
[3] *M. C. C.*, vol. i, p. 7.
[4] *Rec. N. Am.*, vol. ii, p. 162.
[5] *M. C. C.*, vol. i, pp. 7-8.

dirt or oyster shells, or ashes "which have any ffire in Them." Ten shillings was the penalty. At the same time the magistrates emphasized again that a three-shilling fine would be imposed on any person who did not "on Every Saturday Night or oftener Sweepe The dirt or filth before their dores on heapes," and carmen must carry the refuse away "Upon paine of Loosinge their Liberty of Beinge Carmen."[1] Some years later (March 15, 1684) the time for the weekly cleaning of the streets was changed from Saturday night to Saturday morning[2]—a change that appeals to reason.

The attempt to prohibit dumping refuse in the streets does not appear to have been effective, and so the common council tried a new scheme in 1691. Anyone who gave information resulting in a fine being imposed was to receive half the amount of the fine, the other half going to the city.[3] At the same time a definite arrangement was made in regard to loading refuse into the carts. Each householder was to load it himself or pay the carmen three pence for doing so.[4] Obstruction of the streets by certain merchants who found it convenient to let timber which they were desirous to sell lie in the thoroughfare, was also condemned.[5]

The reader may easily imagine that the churchgoer, on a Sunday morning, often saw the heaps of dirt unremoved,[6] or, worse still, a brisk wind might be working mischief and driving the dust into his eyes. A carman who was expected to carry away this refuse gratis readily found himself "driven to death" on Saturday afternoons. So when the city (Sept. 13, 1693) found a use for dirt in filling in the

[1] *M. C. C.*, vol. i, pp. 28-9.
[2] *Ibid.*, vol. i, p. 137.
[3] *Ibid.*, vol. i, p. 224.
[4] *Ibid.*, vol. i, pp. 219, 224, 245.
[5] *Ibid.*, vol. i, pp. 224, 247.
[6] Such a condition is inferred in *M. C. C.*, vol. i, p. 331.

custom house bridge, the common council thought to remedy conditions by an ordinance authorizing the payment to carmen of three half-pence a load by the city and an equivalent amount by the inhabitant "where Such Dirt Rubish &c Shall Lye." [1]

Soon after this came the next step in street cleaning, namely, entrusting to one man the work of cleaning the streets. When the innovation was first suggested in the common council, April 26, 1695, John Vandespiegel, himself a member of that body, "propos'd to Undertake the Same & Desir'd time to Consider what Sallery he might Deserve for the Effecting thereof." [2] At the next meeting he said he would undertake for one year "to Supervise the Cleansing of the Streets from the filth and Dirte" for £30.[3] His offer was accepted and our first "Commissioner of Street Cleaning" began his work. "Supervising" apparently was a rather high sounding term to apply to a man who superseded the carmen in himself carting away the heaps of dirt on Saturday afternoons, so he became a plain "scavenger," [4] a term which continued to be applied to his successors in office for nearly twenty years. Such a continuance of policy must have brought, on the whole, a degree of satisfaction. Yet there are evidences that vigilance was still the price of cleanliness. For instance, when the common council, in 1699, named a committee to "Agree with A Scavenger for the Cleaning of the Streets," it also gave orders at the same meeting that the "Cryer doe Give Notice to the Inhabitants Every Saturday Morning to Clean ye Streets and Sweep ye Dirte on heaps before their Respective dwelling houses And that the Sheriff Constables and

[1] *M. C. C.*, vol. i, p. 331.
[2] *Ibid.*, vol. i, p. 376.
[3] *Ibid.*, vol. i, p. 377.
[4] *Ibid.*, vol. i, p. 420.

Other Officers have Notice to put the Laws made for keeping Clean ye Streets in due Execution." [1]

This order was dated March 31. The student of old records need not be told that the very wholesome "clean up crusades," the accompaniment of our early spring season, are a modern innovation. It is interesting to note how frequently these oft-recurring ordinances of the common council belong to the months of March and April. By the aforesaid order the inhabitants were to be reminded of their duty periodically and all possible executive authority was invoked. Again, in 1701, on the occasion of the death of the governor, Mayor De Riemer felt constrained to "clean up," as is evidenced by an order on the treasurer to pay to the mayor £3 19 9, "by him paid to severall Carmen for Cleaning the Streets on the Buriall of the Earle of Bellomont." [2] Still again, in 1702, the common council referred to the ordinances pertaining to the cleaning of the streets, as "much neglected . . . to the great Damage Annoyance and prejudice of all the Inhabitants." New and elaborate orders resulted, involving several new ideas. Friday replaced Saturday as the day when the inhabitants brought forth broom and rake. The river or "some Other Convenient place" was specified for the dump. Furthermore, very careful provision was made that offenders should not escape the prescribed penalties. The mayor, recorder or any one of the aldermen might levy "by distress upon the goods and Chattells of the Defaulters," if necessary, and thus the informant was made surer of the share due him. Sheriff, high constables and petty constables must enforce the regulations or "answer for their Contempt att their Perills." [3]

[1] *M. C. C.*, vol. ii, p. 74-5.

[2] *Ibid.*, vol. ii, pp. 154-5.

[3] *Ibid.*, vol. ii, pp. 195-7.

Sometime before 1708 Jacob Cousine, the scavenger, had his salary reduced from £30 to £12.[1] The salary of the office was further reduced to £10 in 1712.[2] It will be remembered that Vandespiegel, the first incumbent, was himself a member of the common council. Later scavengers were of the common people, whose compensation would not arouse the same enthusiasm. However, the later scavengers were assigned a limited area for their "cleaning up;" for instance, Cousine's territory was "the broad Street of this City from the Corner of Garden Street that Leads from the Dutch Church into the broad Street to the little Bridge by the Dock."[3] We are probably safe in assuming that outside of this limited area the carmen loaded and carried away the refuse at the fixed price of six pence per load—a price which was finally increased to seven pence half-penny in 1731.[4] Not without interest is the appointment of a woman to the office of scavenger in 1710. She was Ariantie Dow, widow, whose husband had held that office at the time of his death.[5]

By such methods the early city tried to keep itself clean. The amount of money expended for this purpose was certainly small. Records reveal no municipal pride in clean streets, but rather periods of intolerable filth. The general topography of the lower end of Manhattan Island was such that frequent rains were probably responsible for as much street cleaning as all human agencies combined. Indeed, we are told that some citizens took advantage of the opening of heaven's flood gates by sweeping their dirt at those times into the street gutters, which, by the way, appear formerly to have been in the middle of the

[1] *M. C. C.*, vol. ii, p. 359. [2] *Ibid.*, vol. iii, p. 12.
[3] *Ibid.*, vol. ii, p. 354. *Cf.* Stokes, *Iconography*, vol. i, plate 27.
[4] *Ibid.*, vol. iv, pp. 103-4. [5] *Ibid.*, vol. ii, p. 443.

street and were spoken of as "channels." A penalty of six shillings was fixed for such an offence in 1731.[1] The vicinity of the dock seems to have been a "catch all" for much of the city's filth. Every rain would bring its deposit down Broad Street and scavengers and carmen would work down the same street with their cartloads and not always be careful to dump into the water. This, together with "the timber Lumber Barrells Staves, Rubish and other Trash"[2] which are the inevitable attendants of a ship's cargo, gave rise on many occasions to special orders for cleaning this particular locality,[3] or restraining people from using it for a dump.[4]

"Regulating of the lights to be put out in the Darke time of the Moon," appears as an entry in the early records. When we understand in this quotation that "put out" means "hung out on A Pole" from an upper window, we realize that the magistrates were aiming at a method of lighting the streets "without expense to the corporation." The seventeenth century was waning when "the great Inconveniency that Attends this Citty being A trading place for want of having lights" led to official action. A first order (November 23, 1697), that every house should put out lights in their windows on the street front under a penalty of nine pence[5] per night, was speedily changed. Under the new order, "Every Seaventh house in the Severall Wards" was to suspend "A Lanthorn & Candle"[6] during the winter season and the expense was to be "defrayed in Equal proportion by the Inhabitants of the Said Seaven

[1] *M. C. C.*, vol. iv, p. 103.

[2] *Ibid.*, vol. ii, p. 258.

[3] *Ibid.*, vol. iii, pp. 12, 19, 318.

[4] *Ibid.*, vol. iii, p. 318.

[5] *Ibid.*, vol. ii, p. 21.

[6] Presumably the traditional candle protected by a frame partly of glass, partly of metal.

houses." The execution of the order was assigned to "the Alderman And Assistant of Each Respective Ward." [1] This system continued with no material change for over half a century.

[1] *M. C. C.*, vol. ii, p. 23.

CHAPTER IV

The Dock

It is difficult today to imagine a time in the history of the city of New York when a single dock was sufficient for all its commerce. The fact remains, however, that the municipality was almost a century old before it outgrew that basin at the lower end of the island shown so finely in the "Labadist General View."[1] Every reader of this chapter should first give himself the pleasure of opening the first volume of Mr. Stokes's remarkable work[2] to the frontispiece, where he may see the first little wooden wharf of 1649 with the towering crane nearby. Then, by turning from plate to plate, with particular attention to those numbered 8, 10, 13, 14, 15, 17, 22 and 25, he may see the evolution of the first dock and be in a position to appreciate what may be hereafter said about the municipal regulation of the same and of the shipping that was associated with it.

That first wooden wharf, inherited by the city, was the outcome of a recommendation, back in 1647, by Stuyvesant's council. When a new and larger "hooft," as the Dutch called it, became necessary, ten years later, the city built it out into the East River at a point above the former wharf. There were at least two reasons for this location; one because Manhattan's neighbors were then on Long Island rather than in New Jersey; again because there were rocks jutting from the surface of the water to the west. These

[1] *Long Island Historical Society Memoirs*, vol. i, plate 3.

[2] Stokes, I. N. Phelps, *The Iconography of Manhattan Island*, vol. i.

appear on the old prints, sometimes as "Copsey Rocks," [1] then again as "Ledge of Rocks," [2] and are now covered by Battery Park and the Aquarium.

The reader will understand, of course, that all around the lower end of the island the land now extends three or four blocks farther into the water than it did in those days. The curving Pearl Street of today represents the strand [3] at the time this dock or wharf or pier or bridge (as the English variously spoke of it) was constructed. It was some time earlier than April 18, 1659, when the work was started, because a record of that date informs us that one Pieter Janzen Nerengh promised the city magistrates that he would "go to work next Monday . . . further to complete it." [4] And soon after that the pier was ready for use, because on July 11 [5] the burgomaster and schepens were making regulations in regard to its use, with authority from the director general and council.[6] Eight stivers per last [4] was the fee required for loading and discharging at the pier, the skipper to pay one-third and the owner or receiver two-thirds of the fee. One skipper, Jan Janzen Bestevaar, apparently tried to evade his fee early in the following year, for the records show [7] that the magistrates ordered him to pay his imposed quota before his departure, "for the accommodation experienced by him through the above named Pier."

[1] Stokes, I. N. Phelps, *op. cit.*, vol. i, plate 30.

[2] *Ibid.*, vol. i, plates 26 and 27. To the point where this ledge attached itself to the main land, with the appearance of a hook, the name Schreyer's Hook is sometimes applied.

[3] Kelley, F. B., *Historical Guide*, map on p. 40.

[4] *Rec. N. Am.*, vol. vii, p. 219. [5] *Ibid.*, vol. vii, p. 225.

[6] *Ibid.*, vol. vii, pp. 225, 250. Stiver equals two cents; "last," about two tons, making this charge the equivalent of eight cents per ton.

[7] *Ibid.*, vol. vii, pp. 250-1.

Adjoining the dock was the unpretentious custom house, or "Weighhouse"[1] as they called it. Some cargoes were charged by the piece rather than by weight; for example, the skipper who brought firewood from Long Island had to pay the weighhouse porter two stivers per hundred pieces of wood.[2] If brick or tiles were to be unloaded, the "Grain and Lime Measurer" was to count them, and a fee of four stivers per thousand was to be shared equally by purchaser and seller.[3] Some skippers were disposed to avoid these fees by resorting to the same methods employed before the existence of a pier. So the burgomaster resolved (April 9, 1660)

to make an order, that no person shall have power to unload any goods coming from abroad, by ships, yachts or boats, from one ship into another, or even to weigh on board, or in any ship what is subject to the Beam;[4] but to discharge the goods on the Bridge or Pier which is built for that purpose, and to weigh at the Beam what is subject to the Beam.[5]

This pier soon proved inadequate for the business of the little city. On November 3, 1660, the burgomasters contracted with Jan Jansen Hagenaar and his son Jeremias for building a four-rod extension to the pier, "for the sum of 225 guilders in seawant and a half barrel of beer in addition.[6] Jan died within the next two months, but the records inform us that Jeremias was ordered (January 7, 1661), "to proceed with the making and completing the undertaken Pier, and to adjoin one to himself in the place of

[1] Stokes, *Iconography*, vol. i, plate 8b.

[2] *Rec. N. Am.*, vol. vii, p. 240.

[3] *Ibid.*, vol. vii, p. 251.

[4] A name applied to the weigh house scales.

[5] *Rec. N. Am.*, vol. vii, p. 252.

[6] *Ibid.*, vol. vii, p. 262.

his deceased father." [1] Fifteen years later, when the English had for the second time occupied the city, this first dock had become unserviceable, and we find the city fathers making provision for the erection of a "new docke or warfe." Merchants within the city were to assist in the payment for this "proporconably for his or their Estate or Estates," an arrangement that was allowed by the governor, and forthwith put into execution.[2] There is a very interesting record, under date of December 10, 1676, containing a list of about three hundred names, against each of which is the amount of his assessment, at the rate of "One Penny halfe Penny per Pounde." The richest man, Frederick Philipse, was called upon to pay an assessment of £81 5s; Cornelius Steenwyck £25; four others, including Jacob Leisler, £18 5s; while seventy-two were taxed 6s 3d on a valuation of £50. The money thus raised was to be used in part for the new dock.[3] Twenty-five other persons were also assessed, "who have dealt and Traded in this Place for Seuerall and great Sumes and doe intend Suddenly to depart from hence to other Parts." [4] At a meeting of the board, January 10, 1676, it was estimated that 18,000 cartloads of stone, at two shillings per load, would be sufficient for the construction of the dock.[5] This means, of course, that an attempt was made to give the wharf a strength and permanence that had been lacking in the previous construction.

Regulations for the care of the dock were read and approved (March 22, 1684) by the common council and were ordered to be "Fairly Writt," that they might be presented to the governor for his approval. Some of these rules were:

No vessel lying within the dock was allowed to have a fire on board after dark.

[1] *Rec. N. Am.*, vol. vii, p. 263.
[2] *M. C. C.*, vol. i, p. 9.
[3] *Ibid.*, vol. i, pp. 29-37.
[4] *Ibid.*, vol. i, p. 25-26.
[5] *Ibid.*, vol. i, p. 17.

No vessel was to cast anchor within or near the dock, whereby other vessels might be endangered.

No one was allowed to dump any refuse near the dock that would hamper its usefulness.

Vessels of ten tons or less, not belonging to the port, and anchoring here, were to pay one shilling; those from ten to twenty tons paid twenty-five, "And Soe Proportionably, One Shilling, for Euery Tenn Tunns more."

DOCKAGE PAYMENTS

Vessels belonging to the port—annual payments.			
A vessel or boat of 1 ton to 5 tons	00	06	00
From 5 to 10 tons	00	09	00
" 10 to 15 "	00	12	00
" 15 to 25 "	01	00	00
" 25 to 50 "	01	10	00
All above 50 tons	02	10	00
All other vessels had to pay every time they docked			
A vessel of 10 tons or under.	00	06	00
From 10 to 20 tons	00	12	00
" 20 to 30 "	00	18	00
" 30 to 50 "	01	04	00
" 50 to 100 "	01	10	00

The fees named above were to be increased "Proportionably" if they "Lye Above one Month."[1]

A subsequent order of September 6, 1699, is to the effect that a penalty of six shillings shall be imposed for every tide beyond a "Convenient time" for Loading & unloading.[2]

Besides the fees for anchorage and dockage, provision was also made for the collection of "Bridgemoney." This

[1] *M. C. C.*, vol. i, pp. 142-4. More specific in this respect were the dock regulations in Philadelphia, under date of August 10, 1716. There vessels were allowed only fifteen days in dock, "ffive days to unload and ten days to Load," with two shillings per day fine after that time. One shilling per ton was charged "for Unloading and the same for Loading." *Minutes of Philadelphia Common Council*, pp. 109-110.

[2] *M. C. C.*, vol. ii, p. 84.

was a tax of twelve pence per ton on imports from any place beyond the east end of Long Island and south of Sandy Hook; also on exports. Sugar, molasses, cotton wool, ginger, logwood and other sorts of dyeing wood, beef, pork, flour, bread, peas, train oil, corn and tobacco are particullarly specified. Each horse transported out of the province from the city was taxed twelve pence. All fees were to be collected by a haven master, who was to render an account and make returns to the city treasurer every three months, at least, and be allowed ten per cent commission. In case of any controversy regarding the regulations or rates or penalties—a specific penalty being attached to each offence—the mayor was to decide, or, in the mayor's absence, the eldest alderman.[1]

During the five years preceding 1684 we have evidence that Peter Delanoy, Joseph Lee, William Dyer, Richard Welsh, Thomas Coker and Lucas Santen were haven masters in succession, all of whom were called upon to produce their accounts for dockage before a special committee of the common council, in February 1684.[2] Indeed, any perplexities that confront our present Department of Docks and Ferries have their precedents. On more than one occasion mismanagement or graft in case of this one dock aroused the wrath of the magistrates.

Thomas Smith was spoken of, February 16, 1684, as "ye Now Haven master."[3] The same man is referred to in the minutes of the mayor's court in the following year as "Waterbayliffe",[4] when he reported the seizure of a certain brigantine lying within the dock, "together with her

[1] *M. C. C.*, vol. i, p. 145.

[2] *Ibid.*, vol. i, pp. 121-4.

[3] *Ibid.*, vol. i, pp. 124.

[4] *Mayor's Court Minutes*, April 28, 1685. The corresponding official in English boroughs and in Pennsylvania is so called.

Tackle and furniture." This seizure, he said, was made on information of Ex-Mayor Dyer and by the order of the governor and council. The declaration of the court in this instance is interesting: "Noe Information being Entered in this Court concerning the said Vessell or any writt issued out from this court thereon, they Cannot proceed or Meddle therein." [1]

Some time previous to 1684—we have no record of the exact date—a warehouse had been built in proximity to the dock. At a common council meeting, July 10, 1684, Peter Stoutenburgh was "Apoynted Over Seer of the work to be done On the Warfe, and warehouse within this Citty." Each house was required to provide a man to help in the work, "Or On Default the Owners or Inhabitants in Such houses or warehouses to Pay 2s 3d Each tyme they Omitt the Same." [2]

We find, under date of October 19, 1685, that the mayor and common council resolved to save themselves a deal of trouble by having the "Dockmony be lett to farme to the Highest Bidder on this day Seven night att the Signe of the three Marriners about five in the afternoon." [3] We may infer from a record about two years later that Jarvis Marshall got the job by bidding fifty pounds for the year.[4]

It is worth observing that the porters of the city at this time were influential enough with the city fathers to evoke an order (July 20, 1686) prohibiting negro or Indian slaves "to worke on the bridge Weighhouse and Markett house of this Citty about the goods of their Respective Masters there lyeing or being." [5]

Everything went along smoothly for over two years, be-

[1] *Mayor's Court Minutes, op. cit.*
[2] *M. C. C.*, vol. i, p. 153.
[3] *Ibid.*, vol. i, p. 172.
[4] *Ibid.*, vol. i, p. 192.
[5] *Ibid.*, vol. i, p. 180.

cause the work that had been done on the dock in 1684 evidently made repairs unnecessary. The winter of 1687-8, however, damaged the dock, and the common council at its meeting of February 26, 1688, ordered "that Alderman Kipp & Balltas Byard doe take Care for ye Reparation of ye Wharfe that the Same may bee ffinished by the first of May & ye Charges to Bee paid Out of ye Citty Tresury." [1] The ravages of wind and weather are again apparent in the minute of March 16, 1689. Alderman Kipp and Baltus Bayard report that they have let the dock again to Marshall, but now " for the terme of three yeares at £25 per annim " —only half as much as before. Now, however, he must " keep the Said Docke in good and Sufficient repaire." [2] A fortnight later a formal lease of the dock was " Signed and Delivered by the Mayor in Common Council in behalfe of himselfe and the rest." [3]

The storms of the autumn season worked their mischief and Marshall apparently disliked to part with any of his revenue for repairs until he was compelled to do so. The common council then felt the advantage of its lease and declared:

> Whereas ye dock is much out of repair & defective in sundry Places which the present dok master Jarvis marshall is ingaged to maintaine at his owne charge acording to agreement, therefore Ordered that Said Jarvis Marshall forthwith repaire ye same Acording [to] said agreement & by neglect to Be Lyable to such fines as ye Comon Council shall Impose upon him.[4]

This order would appear to have had the necessary effect, for we hear nothing more regarding the dock until October

[1] *M. C. C.*, vol. i, p. 194.
[2] *Ibid.*, vol. i, p. 203.
[3] *Ibid.*, vol. i, p. 203.
[4] *Ibid.*, vol. i, p. 210.

15, 1691, when Marshall's three years lease was drawing to a close. The council on that date ordered that Alderman William Merritt and Alderman Brandt Schuyler, Mr. Ebenezer Willson and Mr. Thomas Clarke be a committee to treat with Marshall, "about Letting the Dock and to make their Returne on Tuesday next at the first Bell Ringing after the ajournment of the Mayors Court." [1] The dock was bringing in a good revenue and both the common council and the dock master knew it. The latter offered £10 more per annum to retain the position. This was reported by "Alderman Skuyler who at the same time sayd Thomas Clarke would give £40." The opinion of the board was that the position was worth still more; "wherefore they appoint that they [2] be Exposed to a Publyck Outcry att the house of Mr. William Merritt on the sixth day of November next Ensueing and that Proclamacon be made of the Same One to Sett up att the Bridge one att the Citty hall and one att Brookland." [3]

We should certainly say today that Marshall "had a pull" with the board, for this order was never carried out, as is shown by a subsequent minute of the same session.

After the Wrighting of the above order Mr. Jervais Marshall appearing and offering forty-five pounds per annum for three yeares next Ensueing and keep the Dock in Sufficient repaire his Tenders is accordingly accepted he paying his rent each halfe yeare and that a Lease be drawne Accordingly.[4]

If our suspicions were in any way aroused by this last minute, we should feel sure that this official had much influence

[1] *M. C. C.*, vol. i, p. 250. This minute also shows that the mayor's court after adjournment became at once, on the ringing of a bell, a session of the common council.

[2] The disposal of the ferry privilege was acted upon at the same time.

[3] *M. C. C.*, vol. i, p. 252 (October 20, 1691). [4] *Ibid.*

with the members of the common council, when we read about six months later that Dockmaster Marshall reports "the Dock being broke downe and much out of repaire by last Extremity of Weather," and "himselfe uncapable of repayreing the Same."[1] What says the board? "We incline to allow him Some part of the charge according as we shall see his disbursments when he hath put the same into good repayre."

Jarvis must have been in the "lobby" with his ear at the keyhole listening with displeasure, judging by a subsequent record of the same meeting.

> Againe Jervais Marshall appearing . . . the Comon Councill have agreed to repaire the one Side of the Said Wharfe at the Cittys charge and Jervais Marshall is to repaire and compleate the other Side in the same forme and as Substantially in all points as the Citty Shall repayre and finish their side.[2]

We are compelled to believe that this close-fisted and slippery dock master had not completed his job as late as August 28, 1694, because a committee of the common council was named on that day to "discourse with Jarvis Marshall about finishing his wharfe." The first preparations were made at the same meeting for letting the dock at the expiration of Marshall's term.[3]

Some boats had evaded dockage fees by running into Smith's Fly.[4] An ordinance of August 28, 1694, required that they "pay the Same Rates as if they Came into the Citty Dock and to be for ye benefitt of the farmer of the Said Dock."[5] The same ordinance again appears among

[1] *M. C. C.*, vol. i, p. 274.

[2] *Ibid.*, vol. i, p. 274.

[3] *Ibid.*, vol. i, p. 358.

[4] Or "Vly," a name applied to a "slip" or beaching place for boats farther up on the East River shore.

[5] *M. C. C.*, vol. i, p. 358.

the "Conditions and Regulations for farming the dock," in the minutes of September 28, 1694. The term was now to be seven years instead of three. Before the first day of the following May the wharves of the dock must be placed in good repair and be kept in good condition throughout the seven years. The incumbent must pay to the city treasurer the amount he had bid in quarterly payments. He must also give security satisfactory to the city magistrates.[1] Proclamation was straightway made that everybody had free liberty to bid. "Several Persons Appeared and made there offers, but Mr. Thomas Clarke [the unsuccessful bidder of three years before] having bid fourty pounds per Annum and being the highest bidder itt is Order'd that the Same be Accordingly Demised to him."[2]

It is at this point, therefore, that Jarvis Marshall retires from the position he has held for nine years. It is evident that failure to keep the dock in repair was not the only fault of Marshall that caused annoyance to the city fathers. At least £45 remained due from him to the city and it led to an action against him in the mayor's court in 1696. He petitioned the court, "praying that he May have further time for ye payment thereof And that the Action may be withdrawn."[3] This petition was rejected. The petitioner had been named city "Cryer & Merchall" in 1683,[4] but is not spoken of as receiving any salary until June 9, 1697.[5] Perhaps the city was recovering what was due by withholding his salary up to that time.[6] Increase of shipping called for a forty-five foot extension of the bridge in 1696, the same "to be Carried out twenty foot further into the Dock than ye Stockadoes are now laid And then to turn

[1] *M. C. C.*, vol. i, p. 364.
[2] *Ibid.*, vol. i, p. 365.
[3] *Ibid.*, vol. i, p. 401.
[4] *Ibid.*, vol. i, p. 109.
[5] *Ibid.* vol. ii, p. 9.
[6] See ch. viii, p. 190, for more about Marshall in his old age.

South East Easterly twenty five foot more." [1] This extension had not been finished six months later, because a committee was ordered (June 9, 1697) to find "what Sum will be wanting to finish ye bridge." [2] At the next meeting it was resolved to raise £120 for this purpose, and £60 for "making Convenient the Slip att the end of the broad Street."

In the closing years of the seventeenth century the city fathers were much occupied with arrangements for the construction of a new city hall, and the new dockmaster and the dock came in for less attention. Thomas Clarke, however, could not have been an ideal city servant, for the "foulness" of the dock is alluded to three times in the minutes.[3] In the last mentioned minute it is ordered that care be taken, "that the farmers doe forthwith performe the Conditions they are Obliged to Otherwise that they make Satisfaction for their Defect." As a result, when the new conditions for farming the dock were made, April 13, 1700, to the stipulations on former occasions was added the requirement that the farmer "Shall att his Own proper Cost and charge well and Sufficiently Clean the said Dock & Slip in the Dock of all the Mudd & filth therein Soe deep as till they finde A sandy Bottom and . . . Keep the same Clean." He was, furthermore, to keep the wharves enclosing the dock in good repair to the expiration of his lease.[4] The cleansing the dock of its "foulness" was regarded as no light task, because it is further stated in the conditions of the lease that the farmer may receive the next six quarterly payments amounting to £60 "to dispose of towards the Cleaning."

On these more stringent conditions the "Docks and Slips on ye 13th day of April 1700 was demised to Mr. Phillip

[1] *M. C. C.*, vol. i, p. 432.
[2] *Ibid.*, vol. ii, p. 9.
[3] *Ibid.*, vol. ii, pp. 80, 97, 101-2.
[4] *Ibid.*, vol. ii, pp. 104-5.

French for the Revenue of fourty pounds per Annum." [1] About a month later Thomas Clarke (whose term was not to expire until November 1701) was reported to be in arrears for his rent. He was allowed till June 1 to pay up.[2] French, the new incumbent, was elected alderman of the Dock Ward in the fall of 1701 [3] and, probably, further political ambitions—he was appointed mayor the next year—led him, for a consideration of £5, to relinquish his lease of the dock after a few months.[4] He did not actually get his money until two days before Christmas 1702. On May 26, 1702, a committee of the board reported that they had farmed the docks and slips to James Spencer for the sum of £25.[5] This is a lower bid than usual, because the farmer was required within the space of eighteen months to build the wharves eighteen inches higher and cause them to be "well Loaded with Ballast Gravell or Stones." He was also required to fix eight "substantial" posts in the wharf about forty feet apart, in order that vessels might careen. A further stipulation made repairs necessary "soe often as he Shall be thereunto Required by the said Mayor Alderman and Commonalty." [6]

Dockmaster Spencer was not long in making the acquaintance of some elusive skippers. The next month after he assumed his new office (he had previously been high constable) he reported "that sundry Boats frequently Come into the Dock & Slips of this Citty and the Masters thereof Refuse to pay unto him the Customary Rates for Dockage & that before he can gett the Mayors Officer to summon them before the Mayor to Cause them to make payment as Aforesaid they weigh Anchor and are gone." [7] He was author-

[1] *M. C. C.*, vol. ii, p. 105.
[2] *Ibid.*, vol. ii, p. 106.
[3] *Ibid.*, vol. ii, p. 157.
[4] *Ibid.*, vol. ii, p. 190.
[5] *Ibid.*, vol. ii, p. 191.
[6] *Ibid.*, vol. ii, p. 192.
[7] *Ibid.*, vol. ii, pp. 197-8.

ized to attach and bring before the mayor any persons indebted to him for dockage. Even with this support from the authorities Spencer tired of his agreement, and on November 6, 1703, appeared before the common council to surrender his lease. Evidently he had neither paid the city the promised rental nor met the terms of his lease in other respects, pleading "Very poor Circumstances Occasioned by sickness and Other Misfortunes." Two men who were his sureties were called upon to pay the corporation the sum of £60.[1]

John Ellison, whose previous experience had been as lessee of the market house, was the next one to whom the docks and slips were farmed. The conditions seemed favorable, as he was to pay "one pepper Corne" per year for the first three years and £25 annually for the six years thereafter,[2] but he failed to agree with the common council's committee concerning the details of the lease.[3]

No doubt the dock revenue had been affected by the war. English vessels knew the danger from their French and Spanish foes on the sea. Shortly before this the common council had voted to recognize by a bonfire, with ten gallons of wine and a barrel of beer, "the great and signal Victory Obtain'd by her Majesty's fleet and forces Against the French & spaniards att Vigo in spain."[4]

Next we find for the first time "farmers" in combination. Lancaster Symes, merchant, Gerrett Vanhorne, bolter, and Christopher Denne, carpenter, were the trio.[5] Their term was to be twelve years. For the first three years they were to pay one peppercorn rent and for the remaining nine, £30 yearly. They were to receive all dock revenues, including

[1] *M. C. C.*, vol. ii, p. 246.
[2] *Ibid.*, vol. ii, pp. 247-8.
[3] *Ibid.*, vol. ii, p. 250.
[4] *Ibid.*, vol. ii, p. 227, February 24, 1703.
[5] *Ibid.*, vol. ii, p. 250.

such from as many cranes as they might erect. But they were called upon to clear away the dock "mudd" down to that "Sandy foundation" previously described, and to raise the height of the wharf one and one half feet—a previous condition still unfulfilled. Also they were to construct a sewer "from the fish Bridge to the Other Common sewer in the broad Street," to be finished the following June.[1]

Messrs. Symes, Vanhorne and Denne made haste to get the same authority from the court that James Spencer had been granted, namely, to take and bring before the mayor "any person or persons who is indebted unto them for Dockage."[2] Vanhorne soon retired from the combination and the lease was changed accordingly.[3] Two or three men proved no better than one for the work. Scarcely a year had passed when an investigating committee reported, "that all along the Dock is Very Dirty and several heaps of Stones & Trash on itt which with the Rain is Carryed into the Dock."[4] And previously, on complaint of several inhabitants, the lessees were ordered to clear a cart-way on the west side of the dock that was "stopt up and Incumbred with Masts and Timber," upon pain of being prosecuted for maintaining "A Nusance."[5]

Another committee, reporting June 4, 1708, found "the Dock not Cleansed According to the Lessees Agreement."[6] It is interesting to note that Christopher Denne occupied a seat in the common council at this time. When action was finally brought, it was directed against Lancaster Symes, "one of the Lessee's"[7] and not against both, which is also interesting.

[1] *M. C. C.*, vol. ii, p. 250.
[2] *Ibid.*, vol. ii, p. 257.
[3] *Ibid.*, vol. ii, p. 278.
[4] *Ibid.*, vol. ii, p. 294.
[5] *Ibid.*, vol. ii, pp. 286-7.
[6] *Ibid.*, vol. ii, p. 359.
[7] *Ibid.*, vol. ii, pp. 442-3.

The preliminary to this action came, November 29, 1709, when Aldermen Smith, Thong and Bayard, and Mr. De Peyster were ordered "to discourse the Lessees of the Dock about the Non performance of their Covenants in not Cleaning of the Dock &c: to know their Reasons for their Neglect thereof and to make Report thereof to the next Common Council." Not only that, but the treasurer was to "Attend them to demand the Arrears of Rent due for the same Dock."[1] On March 7, 1712, shortly before this trial was to come off Captain Symes appeared before the magistrates, offered to surrender the lease on certain conditions and requested that his trial be put off till the June term.[2] This was allowed and a committee was appointed to confer with the lessees and, "also to Inspect in what Condition the Docks and Wharfs are and on what Terms the same may be again demised most beneficial to the publick."[3] Subsequently the committee reported, recommending that Captain Symes be allowed to receive all the profits of the dock and slips until November 1 following, and that the suit against the lessees be dropped on condition that they "do well & sufficiently Repair the Breaches of the Wharfs made in the late Storm," and pay to the city £20 in full satisfaction of all dues.[4]

Again the agreement was not kept. An order of March 3, 1713, had no effect. Finally, four months later, Symes was compelled to file with the corporation a bond for £50 to repair the wharves before September 1, and the lease was cancelled,[5] Anthony Ham having in the meantime been appointed dock master. We are not surprised, after all

[1] *M. C. C.*, vol. ii, pp. 390-1.
[2] *Ibid.*, vol. iii, p. 4.
[3] *Ibid.*, vol. iii, p. 4.
[4] *Ibid.*, vol. iii, p. 9.
[5] *Ibid.*, vol. iii, p. 38.

these troubles with the dock farmers, that the common council now adopted a different policy. Anthony Ham was "to Collect and Receive all the Revenue of the Dock and Slips and Account to this Corporation for the same as often as he shall be thereunto Required." [1] His salary was fixed at £30 per year.[2] Ham continued as dock master until 1728. Everything went well for a while and then he became careless about his collections. He was ordered to collect dock and crane arrears, under threat of being discharged and sued at law.[3] Apparently such arrears did not have the personal interest for a salaried official, like Mr. Ham, that they had had for lessees of the dock.

There appears to have been so much dissatisfaction that finally a committee was ordered to "Recommend some proper Person to be the Dock master of this City in the Room of Mr. Anthony Ham and that they also Call the Said Anthony Ham to Account for the Profitts of the Crane Dock and Slips during his Exerciseing that Office." [4] A subsequent order (July 27, 1728) was, "that he do not presume (at his Perill) to Receive any more of the Rents or Profitts of the same Crane Dock or Slips." [5] Later, when Mr. Ham's accounts were audited, no less than £225 18 was reported as due for dockage. In addition to that £19 6 8 was reported as having been collected, but not handed over to the city.[6]

So we see that the city was regularly defrauded, whichever system was employed, in the management of its dock and wharves. If the revenues were let out by contract, Father Knickerbocker would find his dock intolerably foul, his wharves all going to pieces, his rental money withheld.

[1] *M. C. C.*, vol. iii, p. 35.
[2] *Ibid.*, vol. iii, p. 83.
[3] *Ibid.*, vol. iii, pp. 387-8.
[4] *Ibid.*, vol. iii, p. 441.
[5] *Ibid.*, vol. iii, p. 444.
[6] *Ibid.*, vol. iii, p. 472.

If the haven master was appointive and salaried, he would collect dockage, if convenient, and turn it over to the city, if he had to. Ship masters enjoyed the presence of the salaried official, of course. When the city once more reverted to the old system, in 1725, it is worth noting that the successful bidder went as high as £83 10.[1]

[1] *M. C. C.*, vol. iv, p. 248.

CHAPTER V

The Ferries

When the city magistrates were devising ways and means, in 1683, "To Enable them to deffray their publick Charge & expence and maintaine their publicke works," they petitioned Governor Dongan for the "benefitt" of "ye fferry now between ye said Citty & Long Island, or that hereafter shall be appointed between ye said Citty and Corporation or any other place." [1]

There had been a petition to the governor a month earlier, requesting that former privileges and liberties be confirmed with certain additions. Hence, in making answer, the governor "much wondred . . . he should so suddenly Receive another petition," but the request was granted with the understanding that two boats for passengers and one boat for cattle be kept on each side of the river; also "No fferry in any other place alowed but what is already." [2] Two months later (February 23, 1684) the ferry was one of the matters concerning which a committee was appointed by the common council to confer with the governor.[3] At this time the history of ferries as a municipal institution commences.

This concession to the city was really a remarkable one, more to the city's advantage, probably, than any thing else later included in the Dongan charter. Peter Stuyvesant had no such generous heart in 1656, when the burgomasters

[1] *M. C. C.*, vol. i, p. 110.
[2] *Ibid.*, vol. i, p. 111.
[3] *Ibid.*, vol. i, p. 121.

sought the revenue from the ferry.[1] Three hundred guilders a year—the rent paid by the ferryman, Egbert Van Borsum, in 1658[2]—was a bit of revenue that he did not propose to hand over to any one else. To Stuyvesant and subsequent governors, both English and Dutch, up to Dongan's time, a ferry was looked upon as a part of the land system and as such controlled by the provincial government.

Who the first municipal ferryman was and how much he paid the city for his privilege, we cannot ascertain with certainty. This much, however, we know. William Merritt appeared before the mayor, aldermen and common council, February 23, 1684, and expressed a desire to lease the ferry to Long Island for twenty years, at £20 per year. He promised to build ferry houses on each side and have two boats for cattle and horses, which he would transport for six pence per head; and two others for passengers, whom he would carry for a penny apiece.[3] At the same meeting a committee of three aldermen was appointed "to Examaine the Orders And Regulacon Relating to the Ferry to Long Island." They were to arrange for the leasing of the same with the advice and consent of the mayor, to draw up suitable orders and fix rates for passage.[4] This committee reported a week later, that they could find no former ferry regulations; also that "the Present fery man is Desirous to Leave itt." Three new members were added to the former committee and a report requested at the next meeting,[5] at which postponement was again made. Regulations made by this committee are reported as having been approved on March 15, 1684, but the regulations themselves

[1] *Rec. N. Am.*, vol. ii, p. 217.
[2] *N. Y. Col. Mss.*, vol. viii, p. 771.
[3] *M. C. C.*, vol. i, p. 123.
[4] *Ibid.*, vol. i, p. 123.
[5] *Ibid.*, vol. i, p. 127.

are not recorded. The question of a ferryman was still hanging fire, William Merritt being ordered "to Consider About the fferry And give his Answer, in writeing to the Mayor On Tuesday next." [1] If Cornelius Steenwyck's correspondence had been preserved, we should probably know what William Merritt said. It is rather reasonable to presume that the committee wanted him to accept the lease for a shorter term than twenty years and to pay more than £20 per year. Probably the seven year limit of lease was decided on and probably William Morris received the appointment. In justification of these two presumptions a record of just seven years later may be cited, in which a committee of the common council was ordered "to Treat with Mr. Morris about Letting ye ferry." [2] Also, Mr. Morris is alluded to subsequently as "late keeper of the fferry." [3]

October 20, 1691 was the day appointed for the abovementioned Committee to bring in their returns, and it was reported that John Arientsen had offered "one hundred pounds yearly for Seven yeares" for the ferry. The board decided that the offer was too small and planned to dispose of the matter at a "Publyck Outcry," November sixth.[4] At this sale competition forced Arientsen to increase his former bid by forty-seven pounds per year, rent to be paid quarterly. He was to have a lease for seven years, beginning March 25, 1692.[5]

On the 23rd of January a bond for one year was placed in the mayor's hands, and this was brought up before a full council, on February 4, for their approval. They decided that Derrick Amerman and John Alberson were sufficient security for the first year, and empowered the mayor to

[1] *M. C. C.*, vol. i, p. 133.
[2] *Ibid.*, vol. i, p. 250.
[3] *Ibid.*, vol. i, p. 268.
[4] *Ibid.*, vol. i, p. 252.
[5] *Ibid.*, vol. i, p. 253.

judge as to the security for the second year. Security for two years and his bond for finding the security for five ensuing years were to be sufficient guarantee to secure the lease. At the same meeting the treasurer was ordered to pay the clerk one pound, four shillings for drawing the lease.[1] Before the meeting adjourned the lessee appeared with security for the second year and the ferry lease was delivered to him.[2]

On March 30, 1692, Col. Stephanus van Cortlandt and Col. Nicholas Bayard were nominated on behalf of the city, and James Graham and William Nicolls were appointed by William Morris, the ferryman before mentioned, to " View and appraise the house and barn belonging to the fferry, said parties in case of disagreement to choose an umpire for final decision." [3]

On May 6, 1692, the treasurer was ordered to pay Mr. Morris £100, part of the money due him for the " houses on the other side." [4] At the following meeting the " Houses and Barne at the fferry are lett together with the little house on this Side to John Arientsen," for nine pounds per year. He must keep them in repair.[5]

Arientsen soon had trouble with private competition from Derrick Janzen, Cornelius Seabrook and others who, he complained to the mayor, made a daily practice of bringing over corn from Long Island to the city. A fine of twenty shillings was laid for each such offence.[6] A year's trial of his business as farmer of the ferry convinced Arientsen that he was paying too much, and upon petition to the common council the rental for house and ferry was reduced to £140 per year, from the 25th of June, 1693.[7]

[1] *M. C. C.*, vol. i, p. 263.
[2] *Ibid.*, vol. i, p. 264.
[3] *Ibid.*, vol. i, p. 268.
[4] *Ibid.*, vol. i, p. 275.
[5] *Ibid.*, vol. i, p. 275.
[6] *Ibid.*, vol. i, p. 276.
[7] *Ibid.*, vol. i, p. 325.

The need of money to carry on certain repairs for the defence of the city caused the common council to mortgage the ferry for three years as security for £200, on April 13, 1694.[1] On May 11, the "Ingrossed" mortgage for two years was read and approved. It was originally planned to have the mortgage for three years, but this was changed to two.[2] It is most important to realize that we have here the primitive method employed by our city for securing money that was immediately necessary. Here was an engrossed ferry lease for seven years, whose face value was about £1000, and which was a security similar to a deed of land, though, to be sure, somewhat more precarious. In order to get ready money, the city had to find some individual of means who could advance the needed amount—£200 in the case alluded to—holding the lease as security for the same. In this case the minutes tell us that the interest on the £200 for two years was £33 5, revealing a rate of something over eight per cent. This sum was included in the mortgage, which amounted, therefore, to £233 5.[3]

Enough money would come in quarterly, if the ferryman lived up to his contract, to pay back that amount within the two-year period of the mortgage. The aforementioned mortgage had barely lapsed (June 26, 1696), when plans were under way to mortgage it again, this time for fifteen years. The money so obtained was to be used toward helping to build a city hall and a powder house.[4] According to a later record (January 11, 1699) the money from the ferry was limited to the building of the new city hall.[5] Near the time of the expiration of the seven years of John Arientsen's lease the council took action regarding his successor. On October 17, 1698, a committee was appointed

[1] *M. C. C.*, vol. i, p. 352.
[2] *Ibid.*, vol. i, p. 354.
[3] *Ibid.*, vol. i, p. 355.
[4] *Ibid.*, vol. i, p. 410.
[5] *Ibid.*, vol. ii, p. 67.

to "Examine into the State of the ferry And to Agree on the best Conditions for the farming the Same on the twenty fifth day of March Next And that they take to their Assistance A Bricklayer and A Carpenter and Examine What will be Convenient for the Rebuilding or Repairing of the ferry house." [1] The committee reported, on November 2, that the ferry house was "Soe far gone to decay" that repairs were futile; also, that they had received some proposals for farming the same. The committee was ordered to treat with the candidates "On ye Most Advantagious Terms for the Citty." [2]

On January 11, 1699, the common council ordered that a placard give notice that, on February 2, at the city hall, the ferry would be let for seven years, beginning March 25, and that the conditions might be seen at the mayor's house.[3] These conditions are printed in the minutes for February 2, 1699. They include, as before, requirements that the farmer provide security and make quarterly payments; and that he furnish two boats for carrying cattle and freight, and two for passengers. By additional stipulation the great boats for freight were to be kept, one on each side of the river, and the passenger boats were to be constantly passing to and fro and never both to stay on the same side. They were to be rowed by "good and able men."

Several new conditions were itemized:

The farmer must keep a pound, with sufficient ropes etc., in which the cattle for transfer may be kept when necessary; there must also be a place for corn.

He must keep a public house for the accommodation of strangers and travellers in the stone and brick ferry house which the city is to build, and this he must keep in repair. The city is also to repair the barn, for the care of which the farmer is to be responsible.

[1] *M. C. C.*, vol. ii, p. 63.

[2] *Ibid.*, vol. ii, p. 64.

[3] *Ibid.*, vol. ii, p. 67.

Definite ferry rates were fixed as follows:

Every single person to pay for going Over Eight Stivers in Wampum or A Silver two pence.

Each person in Company four Stivers in Wampum or A Silver penny; if after sun Sett, double ferriage.

Each horse or beast Single One Shiling, in Company Nine pence.

Each Colt or Calfe three pence.

Each Hog eight Stivers in Wampum or A Silver two pence.

Each Sheep four Stivers Wampum or A Silver penny.

Each Barrell of Rum Sugar Molasses Oyle Pork &c.: three pence.

Each Empty Barrell four Stivers Wampum or A Silver penny.

A Beasts hide the like.

A Firkin or Tub of Butter two Stivers Wampum.

Every three Bushell of Corne A Silver penny or four Stivers of Wampum.

A Pale of Butter two Stivers.

Every Bushel of Salt two Stivers.

Every hogshead of Tobacco Nine pence.

The commodities of traffic are of interest, as well as the rates, the latter having noticeably increased over those proposed in the early days of municipal ferriage. For a single person as well as for cattle and horses the rate had doubled in that interval.

Mr. Rip Van Dam was the " fairest " bidder for the place under the preceding conditions, and the ferry was let to him on the day appointed.[1] Additional ferry business was transacted at the succeeding meeting, February 27, 1699, when a committee was appointed to superintend repairing the ferry barn and to report upon the cost of building the house.[2] Subsequently this committee was instructed to ar-

[1] *M. C. C.*, vol. ii, pp. 70-72.

[2] *Ibid.*, vol. ii, p. 73.

range about material and men for the purpose. About three weeks later they reported that Peter Willemse Roome had been engaged as builder.[1] From the records of November 2, 1699, an estimate of the money needed during the ensuing year includes £435 for the ferry house. On January 16, 1700, Roome received his final payment of the above mentioned sum in full for materials and labor in building the house.[2]

It would seem that Rip Van Dam, the lessee, must have arranged with John Euwatse to look after the ferry, for we read in the record for September 6, 1699, that "What Money Shall be disbursted by Mr. John Euwatse for ye Nessessary Repair of ye Barne and bridge att ye Ferry be Allowed to him On Acct & that A Well be made and the Ground belonging to the Citty be Inclosed within fence." [3]

Euwatse, like his predecessors, evidently had difficulty in the execution of his bargain, for we find him sending a petition to the common council which appointed a committee (February 20, 1700) to investigate conditions and see how things might be improved.[4] No record is available regarding their report, but evidently Euwatse was not satisfied, for the treasurer was ordered, on May 17, to demand of him his rent arrearages, threatening him with removal if these were not paid by the twenty-fourth of June. The treasurer was also to see Van Dam and demand of him an execution of his lease. It is interesting to note that the dock master's rent was also in arrears at this same time.[5]

Neither threats nor orders made any impression upon the ferryman, Euwatse. The treasurer reported that he had ordered him to move out of the ferry house by June twenty-

[1] *M. C. C.*, vol. ii, pp. 75-76.
[2] *Ibid.*, vol. ii, pp. 96-97.
[3] *Ibid.*, vol. ii, p. 84.
[4] *Ibid.*, vol. ii, p. 100.
[5] *Ibid.*, vol. i, p. 106.

fifth.[1] He gave no heed, but continued to ply his boats and pocket the revenue. On August 16 he made bold to appear before the councilmen and again refused to pay arrearages of rent or sign the lease, whereupon he was ordered to quit the ferry house by the twenty-fifth of September.[2] Again he snapped his fingers at the magistrates and kept right on carrying passengers and freight across the East River. Finally the long-suffering board, on November 2, ordered the mayor to sue Euwatse for the rent and to "Eject" him.[3]

This last action impelled Euwatse to recede somewhat from his position, and through some of his friends on the board he proposed to remove from the ferry on March 25, 1701, and suggested that all differences between him and the city be settled by arbitration, each party to name two arbitrators. In case the four did not agree, they might "Choose An Umpire who Shall finally Determine the same." The board agreed to arbitrate, but was careful to specify that "he Enter into Bonds of Arbitration of £500 to Abide & fullfill their Award and that neither Mr. Van dam or any Attorney be any of the Arbitrators."[4] Samuell Staats and Robert Walters were named as arbitrators for the city, but at the next session of the common council the mayor informed them that those men refused to serve, "whereby the said difference is not brought to A period." However, Euwatse appeared in person and offered forthwith to pay £50, and £40 more on March 25 next, in full consideration of all rent due from him. "In Witness hereof the said John Euwatse hath hereunto put his hand the 30th November 1700. John Ewetse."[5] By the above quoted

[1] *M. C. C.*, vol. ii, p. 108.
[2] *Ibid.*, vol. ii, p. 109.
[3] *Ibid.*, vol. ii, p. 121.
[4] *Ibid.*, vol. ii, p. 123.
[5] *Ibid.*, vol. ii, p. 125.

record we are led to believe that the board accepted the proposition. Arrangements were made at the next meeting to lease the ferry for seven years to the highest bidder, "together with the New Brick house Barne and horse pen." [1]

The stated conditions for farming the ferry at this time were the same as those published two years earlier except that experience had suggested that "the farmer shall be Obliged within Eight days Next Ensueing the Date hereof to Execute his Counter parte of the Lease." [2] The new brick house, barn, well, and "bridge to Land on" were to be kept in good and sufficient repair during the period of lease.[3] Dirck Benson, the highest bidder, offered £145 per year; [4] but when the time came for him to sign the lease and give security, he desired to have included in the lease the old house which had been displaced by the new brick house and which the council had rented to Mayor de Riemer for £20 per year. The board named a committee to farm the ferry again and resolved to commence an action against Benson for the damages sustained by his non-performance of the conditions for farming the ferry.[5] However a compromise was effected, whereby Benson's payment was reduced to £130 annually.[6]

The new brick house was completed at about the time Benson became ferry master, but Euwatse had so far failed of his agreement to keep the other buildings in repair that the new incumbent had to expend £30 at once in sundry repairs, an account of which was ordered to be paid by the treasurer.[7] The quarterly payment due the city remained the same uncertain quantity under Benson as under Euwatse,

[1] *M. C. C.*, vol. ii, p. 127.
[2] *Ibid.*, vol. ii, p. 130.
[3] *Ibid.*, vol. ii, p. 131.
[4] *Ibid.*, vol. ii, p. 132.
[5] *Ibid.*, vol. ii, p. 133.
[6] *Ibid.*, vol. ii, p. 135.
[7] *Ibid.*, vol. ii, p. 156.

because on February 15, 1703, after the treasurer had reported that "he has made Many Demands of Dirck Benson for the Rent of the ferry due from him to the Citty which he hath Refused to pay from time to time," the common council resolved to proceed against the ferryman "for the Recovery of the same."[1] This resulted in Benson's handing over £60 a month later.[2] Ex-Mayor de Riemer also proved to be a delinquent in paying his rent for the old ferry house; the ferry money, also, that Euwatse owed the city when Benson succeeded him as ferryman, March 25, 1701, the council was still trying to get from him two years afterward.[3]

Leniency on the part of the city magistrates was the usual rather than the unusual thing, and it is hardly necessary to seek an explanation in this case more than in any other. However, the officials appear to have understood why the ferrymen fell behind in their rents, as is shown in their petition to Governor Lord Cornbury under date of February 15, 1703.[4] They state that many people take the liberty of

> Transporting themselves and goods to and from the said Island of Nassaw over the said River without Coming to or Landing att the used & Accustomed place where the said ferry is Kept and Appointed to the great loss and Damage of your Petitioners, whose farmer of the said ferry Complains he Cannot live upon nor longer hold the same though att A Moderate And Very Easy Rent.

The lessee sought to remedy this "Mischiefe and Inconvenience" by being granted all the vacant land from high water to low water mark fronting the harbor of the city "from the East side of Red hooke Upon Nassaw Island

[1] *M. C. C.*, vol. ii, p. 221.
[2] *Ibid.*, vol. ii, p. 230.
[3] *Ibid.*, vol. ii, p. 230.
[4] *Ibid.*, vol. ii, pp. 221-2.

Aforesaid to the East side of the Wallabout upon the said Island for the better and more Convenient taking in & Landing of passengers Corne and Other goods & things bound to and from this Citty."

At the time, this petition was not granted, but five years later the governor bestowed such a grant in the so-called Cornbury charter (April 19, 1708), much to the disgust of the inhabitants of Brooklyn, who, however, if they dwelt by the water side, were given the right of transporting themselves and their goods over the river, provided they carried no strangers.[1]

In the meantime the city was having its troubles with Benson, the ferryman. On May 26, 1703, the council resolved to commence a process at law against him for arrearages of rent and "breach of Covenants."[2] The process of law was slow in those days, as well as now. The next thing we read, six months later, is that "an Action is now depending in the Supream Court of this Province." This action Benson sought to annul by a "Memorial" to the common council. "He humbly begs leave to Represent that the profitts and Advantages Arising by the Said Ferry are greatly diminished from what the Same were formerly." He claims that he is impoverished by his high rent and his expense in maintaining the ferry and that it will mean the utter ruin of his family to continue the work under the "Terms and Covenants Mentioned in his Lease." He hopes the court will appoint a committee "to Enquire into the great hardships he lyes under," and that the controversy may be amicably adjusted without "the Severe Rules of the Law."[3] Such a committee having been appointed, Benson made two propositions: First, to give up the ferry at once and pay "presently" the whole rent, together with any legal charges

[1] *Colonial Laws of N. Y.*, vol. ii, pp. 592-3.

[2] *M. C. C.*, vol. ii, p. 235. [3] *Ibid.*, vol. ii, p. 252.

that had accrued from the time he assumed the work. Second, to pay his arrearages in rent and for the remainder of his term pay £70 per year instead of £145.[1] The court took a month to "maturely consider" his proposals and then resolved to "abate him" £30 per year (making his rental £115), if he would forthwith pay all arrearages and legal charges.[2] Without any exact knowledge, we are left to assume that Benson was looking for more generous terms than these, for there is a record, two months later (April 3, 1704), that the court has "again duely Considered the proposals of Dirck Benson." Their resolution,[3] however, is in almost the exact words of the previous one and concludes with the statement that the action now pending will be prosecuted to the utmost if he refuses to comply.

It is very certain that Benson did not comply and that prosecution "to the uttmost" was again delayed, and we are prepared to find the ferryman appearing before the court with more complaints and another proposition.[4] His complaints were that his revenue had greatly diminished, among other reasons because of the pestilence[5] and the establishment of a rival ferry at "yellowhooke." His proposal was to surrender his present lease and take out a new lease for the remainder of his term of seven years, during which time he would pay £700 to the city, £100 in a week, £100 more in a month following, and the remainder in such reasonable time as the court should think right. Perhaps the court felt that there was some justice in Benson's complaints or perhaps the prospect of receiving £200 in five weeks was encouraging. At any rate they accepted his proposition and gave him an additional year to pay the remaining £500. He must also pay all the legal charges that had accrued.

[1] *M. C. C.*, vol. ii, p. 253.
[2] *Ibid.*, vol. ii, p. 254.
[3] *Ibid.*, vol. ii, p. 259.
[4] *Ibid.*, vol. ii, pp. 267-8.
[5] *Ibid.*, vol. ii, p. 203.

A little less than a year later (August 2, 1705), a committee appointed to audit the account of the farmer of the ferry reported £176 2 1 as the amount due the corporation, the 12th of April last past, " in full Ballance of the Rent of the ferry house & ferry during his Lease." [1] So Benson was fulfilling his agreement surprisingly well, and the common council was willing, despite the covenants of the lease, to discount £30 from his rent for repairs during that year.[2] Just before the end of his term, however, in 1708, a vigilant committee reported in detail on repairs that were again needed at the ferry house, and Benson was called upon to complete those repairs before he was released from his bond.[3] Then, as now, all waterside property entailed extensive repair charges.

Some six months before the end of Benson's term the common council had made arrangements for leasing the ferry again. Five years was to be the term instead of seven. The Manhattan landing places were explicitly defined thus:

Every Munday and Thursday at Countess Key.

Every Tuesday and fryday at Burgers Path.

Every Wensday and Saturday at the Dock Slip near Coll Cortlandts house and at no Other places whatsoever.[4]

This was later amended so as to allow for landing after sunset, " att the most Convenient place." [5] James Harding, victualler, became the new lessee, at £180 per year. A victualler might well bid for the ferry, because the revenue from the bar at the ferry house in Brooklyn had always been in the mind's eye of the bidder.[6]

[1] *M. C. C.*, vol. ii, p. 284. [2] *Ibid.*, vol. ii, pp. 280, 287.

[3] *M. C. C.*, vol. ii, pp. 347, 349; see also vol. ii, p. 369, to show that he had not yet complied.

[4] *Ibid.*, vol. ii, pp. 330-3. [5] *Ibid.*, vol. ii, p. 338.

[6] Stiles, H. R., *Hist. of Brooklyn*, vol. iii, p. 509; see also *Recs. of N. Am.*, vol. iii, p. 5.

Reference has already been made to the competition the different ferrymen felt from private boatmen on the Brooklyn shore. On January 23, 1708, about three months before the Cornbury charter was granted, Cornelius Sebring, a King's County member of the provincial assembly who owned a farm "directly over against the center" of the city of New York, petitioned Lord Cornbury, the governor, for a ferry privilege. This privilege was to be limited "on the Island of Nassauw on the One Side by the old ferry and on the other side by the Red hook and on the side of New York between the Slip at Captain Theobalds unto the great Bridge." The petitioner claimed that this privilege could not harm the old ferry, "it being not so convenient for that ferry to send their boats to the South end and Center of the City where he proposes to send his." Furthermore, he did not expect the old ferry boat to be excluded from his limits, and he was willing to accept such regulations and transportation rates "as to your Excellency shall seem meet." [1]

The governor gave Mayor Ebenezer Willson a copy of the petition to read to the aldermen and assistants at their meeting, on February 2. The councilmen made haste to draft a counter petition which, at a special meeting on February 4, was "three times read and Approved and signed by this Court Nemine Contra dicente." [2]

As a specimen of the defense of municipal privileges in colonial America, this petition is undoubtedly the earliest of any importance:

To His Excellency Edward Viscount Cornbury, Capt. General and Governour in Chiefe of her Majestys Province of New York &c: and Territories depending thereon in America and Vice Admiral of the same &c:

[1] *Documentary History of New York*, vol. iii, pp. 255-6.

[2] *M. C. C.*, vol. ii, p. 343.

The Humble Petition of the Mayor Aldermen and Commonality of her Majesty's City and Corporation of New York

Most Humbly Sheweth

That The Inhabitants of the Said City and Corporation for Seaventy years past have peaceably and Quietly Possess'd and Enjoy'd several Rights Liberties Priviledges Franchises Free. Customs Preheminencies Advantages Jurisdictions Emoluments and Immunities Granted & Confirmed unto them by her Majestys Royal Ancestors and the divers Governours Authorized and Commissioned by them as well as by the several Governours Directors and Commanders in Chiefe of the Nether Dutch Nation whilst the same was under their power and Subjection to the great increase of her Majestys Revenue and the sencible Growth and Advancement of her Majestys Said City & Province and among the Rest that of the ferry between the said City and Nassaw Island (formerly called long Island) and that the loading and landing place of the Said Ferry from this City on Nassaw Island hath been Commonly Esteemed and Reputed for seaventy years past to extend from A heap of Rock Stones Gathered together on A small wharfe or Landing bridge Near the ferry house on the Said Island unto the West End of the Hill to the Westward of the same and that from high water to low water Mark for the Accomodation of all passengers and Travellers to and from this City as well as for the loading and unloading of wheat and Other Provisions which are Accustomed to be there loaded in the ferry boats for the subsistance of the Inhabitants of this City at all times of Tide and which Said Ferry (at the great charge & Expence of the Inhabitants of the Said City and Corporation by their Erecting several Publick Buildings for the service thereof) is rendered Very Commodious to all Persons Passing the same at very Easy and moderate Rates and is duely and Regularly Kept and attended with able men Boats and scows and without the least Complaint of Omission or Neglect by Any persons whatsoever, the Profitts whereof have allways been Appropriated by this Corporation for the

Publick Service of the Government of the Said City and is the only Considerable Income left to Support the publick Buildings Bridges Gaols Landing places fire and Candle for their watches the Sallarys of their Officers Bellmen &c: and to defray the Other publick and Nessessary Charge of the Said City And was Granted unto the Inhabitants of the Said City under the seal of this Province in the year 1686 and Confirmed unto them by an Act of General Assembly Entituled an Act for the settling Quieting and Confirming unto the Citys Towns Mannors and Freeholders within this Province their several Grants Patents and Rights Respectively.

That your Excellencys Petitioners by your Lordships benign favour and goodness understanding that one Cornelius Sebring for his own Private Lucre and Gain is solicting your Lordship for her Majestys Grant of Another Ferry from Nassaw Island to this City and of Most of the Landing places now belonging to this City designing thereby to make Considerable Improvements to Ruine and destroy the present ferry the Chief Income And support of this Corporation for the Prevention whereof

Your Excellencys Petitioners most humbly Supplicate that your Lordship will be favourably pleased to take the premisses into Your Prudent Consideration and for the Reasons Aforesaid (tho many more may be Offered to long here to Incert) to Reject the unreasonable and unjust Petition of the said Cornelius Sebring wee having an entire Confidence of Your Excellencys Justice and goodness that as you have hitherto Protected us in our Just Rights and Priviledges (for which wee Return your Lordship our most dutiful and Gratefull Acknowledgments) So your Lordship will Continue to Countenance and Protect us in the same and that you will Ever prefer the publick welfare of So Loyall and Considerable A People as this Corporation are before the Interest and unjust Pretences of A Private Person.

And your Excellencys Petitioners as in duty bound Shall Ever pray &c:[1]

[1] *M. C. C.*, vol. ii, pp. 343-4.

The mayor was instructed to employ counsel to appear before the governor in council, "to defend the Rights and Priviledges of this Corporation against the unjust pretences of Cornelius Sebring." On March 3, the chief magistrate of the city had the pleasure of informing the court that Sebring's petition had been rejected.[1] The magistrates at once resolved unanimously to reiterate their request of five years earlier for all the land on the Long Island side from high to low water mark from "the Wallabought to the Redhooke." They also desired power "to Establish one or more ferrys if there Shall be Occasion and A Confirmation of the same under A Moderate quitt Rent and at Reasonable Rates &c."[2] They elaborated this request in a formal petition and appropriated £300 to further the petition. Some one was keen enough to remember that this was the amount handed over to Governor Dongan some twenty years earlier, and now they were ready to buy another charter. The alacrity with which the new charter was granted is amusing, but even more so is the action of the court in mortgaging the ferry revenue to raise the £300 which they had appropriated in advance.[3]

Early in the following year (February 23, 1709), the lengthening of the landing bridge on the Brooklyn side and repair of the ferry barn were the objects of investigation by a special committee of the common council.[4] Presumably the sum of £20 5 9, ordered paid to James Harding, the lessee, about six months later,[5] was for work authorized by that committee. Whether it had become a habit with ferrymen to petition periodically for an abatement of their rent or whether there was a sufficient reason at this particular

[1] *M. C. C.*, vol. ii, p. 345.
[2] *Ibid.*, vol. ii, p. 346.
[3] *Ibid.*, vol. ii, p. 351.
[4] *Ibid.*, vol. ii, p. 371.
[5] *Ibid.*, vol. ii, p. 381.

time, we can only surmise. Mr. Harding, however, presented a petition for such abatement at two successive meetings of the common council,[1] "by reason of the Great sickness of the small pox." It was rejected each time. We find no other reference to a small pox scourge at this time.

The committee appointed on January 19, 1711,[2] to investigate needed repairs not contained in Harding's lease, reported about a month later[3] the need of repairs to the mantel piece in one room and of repairs to the landing bridge, which they considered too short. They were ordered to have these repairs made. An additional order to the same effect as regards repairs to the house, but leaving Aldermen De Peyster and Jansen off the committee, was issued at the meeting of November 2, 1711.[4]

On the day before Christmas, 1712, the ferry was leased for a term of five years "on the like Conditions it was last farmed," to Dirck Adolph who bid £211.[5] Incidentally we may note that the process of farming the ferry was expensive. Richard Harris, at whose house the "publick Outcry" took place, received £7 10 9, "being for Expences at his house on the letting the ferry."[6] The town clerk also received regularly a comfortable sum for printing the advertisement and drawing the lease.[7]

The same old story of necessary repairs greets us with the advent of Adolph as ferryman. He was recompensed for the not inconsiderable outlay of £101 1 8 only nine months after he had assumed office.[8] To prevent the usual damage caused in the winter season by ice, Adolph was ordered (October 24, 1713) to secure the "Bridge at the ferry

[1] *M. C. C.*, vol. ii, pp. 397, 398.
[2] *Ibid.*, vol. ii, p. 429.
[3] *Ibid.*, vol. ii, p. 435.
[4] *Ibid.*, vol. ii, p. 456.
[5] *Ibid.*, vol. iii, pp. 24-5.
[6] *Ibid.*, vol. iii, p. 25.
[7] *Ibid.*, vol. iii, p. 34.
[8] *Ibid.*, vol. iii, p. 46.

with five scow load of Stones." [1] This undoubtedly refers to the landing wharf on the Brooklyn side. The sum of £7 10 was the expense incurred [2]—an outlay that justified itself thoroughly if we may judge by the non-appearance of expense for repairs in the years following. Work of the same sort, to the amount of £5, was done in 1719.[3]

There centers about Ferryman Adolph another story of arrears in rent,[4] a claim for abatement of rent,[5] committees to inform the lessee of "severall Neglects and Abuses," [6] to "Discourse" with him and persuade him to pay arrears and the like.[7] Abatement was allowed to the extent of £31 per annum, making his yearly payment just what Harding had paid (£180) provided he settled his arrearages without delay and was punctual in his future payments.[8] Undoubtedly he got the abatement without living up to the conditions specified. It takes some guessing to conclude why the common council (September 30, 1717) desired to procure the passage of a bill in the colonial assembly, "for Regulating the Ferry between the City of New York and the Island Nassaw." [9] It may be that they wanted anyone who infringed on the ferry privilege to feel that he was violating colonial, as well as municipal, authority.

The common council at its meeting, on December 24, 1717, hit upon the idea of leasing the ferry to Brooklyn in two parts, and conditions were drawn up accordingly. The ferryman on the New York side was privileged to carry no cattle, only passengers and goods, and needed therefore to provide only two small boats. The ferryman on the Brook-

[1] *M. C. C.*, vol. iii, p. 50.
[2] *Ibid.*, vol. iii, p. 57.
[3] *Ibid.*, vol. iii, p. 194.
[4] *Ibid.*, vol. iii, p. 63.
[5] *Ibid.*, vol. iii, p. 80.
[6] *Ibid.*, vol. ii, p. 130.
[7] *Ibid.*, vol. iii, p. 141.
[8] *Ibid.*, vol. iii, p. 80.
[9] *Ibid.*, vol. iii, p. 150.

lyn side had to furnish both large and small boats and was not restricted as to his cargo. He alone had charge of the tavern and all the ferry appurtenances and derived the benefit therefrom. Both had to agree to impose no other rates than those established by the act of the General Assembly.[1] It was probably believed that a greater revenue would result in this way and that better service would be maintained. Inasmuch as it would be natural for a New York resident to bid for the New York end and a Brooklyn resident for the Brooklyn end, friction seemed to be inevitable. Happily Adolph's predecessor, James Harding, with the influential support of Governor Hunter, sought both jobs and got them, bidding £155 for the Brooklyn privilege and £85 for that of Manhattan.[2] Thus friction was avoided for the five-year term of his lease. Then the New York ferry was struck off to him again for £70, but John Deane evidently outbid him for the Brooklyn ferry.[3] As Harding lived in Brooklyn, he appeared before the board presently and said he intended to continue his residence there and to erect a separate "Landing Bridge and Penn." The corporation conceived this "to be directly Contrary to the true Intent & Meaning of the Conditions on which the same was Demised," whereupon Harding desired to be released from his agreement. The common council made it a part of the agreement that his successor, William Wibling, must live in Manhattan.[4] The two new ferrymen assumed their duties, March 25, 1723, and there was trouble at once. On July 23, in consequence of a petition from Wibling, the common council appointed a committee of seven to summon Deane and Wibling before them and hear their respective complaints and "use their Endeavours to heal their Differences

[1] *M. C. C.*, vol. iii, pp. 156-162.
[2] *Ibid.*, vol. iii, p. 163.
[3] *Ibid.*, vol. iii, pp. 307-8.
[4] *Ibid.*, vol. iii, pp. 309-10.

& to Reconcile the said Ferrymen." [1] This committee was to report "with all Convenient Expedition," if their efforts proved futile. As no such report appears, the differences between the two men were probably patched up temporarily.[2] It was reported, however, about six months later (February 18, 1724), that Wibling "hath wholy declined giving any further Attendance or Employing any Boats on the Said Ferry for the future," offering to surrender his lease.[3]

In connection with the arrangements for securing a successor to Wibling we have the first suggestion of a different terminal on the Brooklyn side. A house is said to have been "lately Recovered from John seabring," [4] a son, presumably, of Cornelius, before mentioned as an unsuccessful petitioner for a ferry privilege. He had maintained with his family a private ferry and house, which the city had now taken over (perhaps at the "yellow hooke" previously referred to). It is not to be understood, however, that there was a second municipal ferry line to Brooklyn as yet, because in 1728, when the time came for a new lease, the common council reverted to its former custom of one lease and one ferryman.[5] Theophilus Elsworth became the lessee for the next five years, at £258 per annum.[6]

It is worth noting that the members of the common council were "entertained" by Elsworth on his taking possession of the ferry, but six months later, when the latter put in a bill for various expenses, there was included an item for the "Entertaining of this Corporation at his House on the delivery of Possession of the Ferry," [7] and the

[1] *M. C. C.*, vol. iii, p. 320.

[2] See De Voe's *Market Book*, p. 82, for trouble between Harding & Wibling in 1725.

[3] *M. C. C.*, vol. iii, p. 337.

[4] *Ibid.*, vol. iii, p. 340.

[5] *Ibid.*, vol. iii, p. 428.

[6] *Ibid.*, vol. iii, p. 430.

[7] *Ibid.*, vol. iii, p. 460.

account was "allowed." What an opportunity this would have been for the infant *Gazette* reporter, if the newspaper had taken on its present-day activities!

Thus far we have been concerned only with the ferry across East River. Prior to 1730, and indeed for many years thereafter, there was no regular ferry service across the North River, but some method of crossing the Harlem River in the direction of Albany or New England was an early necessity. At the time when Director Stuyvesant had encouraged the settlement of New Harlem, in 1658, he had promised, "at a more convenient time," to "authorize a Ferry and a suitable Scow near the aforesaid Village, in order to convey over Cattle and Horses."[1] Stuyvesant's rule had ended, however, and the new settlement had been declared by Governor Nicolls to be under the jurisdiction of the municipality of New York, when the "convenient" time for establishing the ferry came. It was in 1667 and the city's chief magistrate was Thomas De Lavall, who had a personal interest in the undertaking because he owned some lands in Harlem.

The court of mayor and aldermen granted the ferry right to Johannes Verveelen for five years under specified regulations, which are particularly interesting because they actually antedated those prescribed for the ferry to Long Island. Verveelen was required to maintain ferry houses at Harlem and on "Bronckside." The former must be a "Convenient house and Lodging," apparently something that would correspond to the "ordinary" before mentioned on the Brooklyn side of the Long Island ferry. Around the latter—the "Bronckside" house—he must clear the land and at the same time not "spoyle the meadow," and at the end of his term the city would pay him for this house at its valuation unless

[1] Riker, *History of Harlem*, pp. 183-9.

he leased the ferry again. Considering the expense he was under in building, he was assured exemption by the governor "from paying Excise for what wine or beare hee shall Retayle" for the first year. "Every man for his Meale," eight pence;[1] for his lodging, two pence; and for the "Nights hay" for his horse, four pence, were the "Ordinary" rates established. For passage, two pence per person was charged, ten pence for a horse, eight pence for an ox or cow except "Cattle under a yeare ould," six pence. An interesting "dead head" exemption was a messenger "with a packett from the Governor of New Yorke . . . or of Connectecott," perhaps the earliest provision in the records of the state for the free transportation of those on public business.[2]

Among other places where the Harlem River had been forded previous to the ferry grant, was Spuyten Duyvil, but it appears to have been determined that this route should be blocked by means of fences, thus turning all travelers to the ferry. As might be expected, this did not prove effectual. Habit and frugality both had to be reckoned with. In June of the year 1668, Verveelen was clever enough to induce "the remaining inhabitants of New Haerlem" to unite with him in a complaint to the court, "that the road by Spitenduyvel is used by travelers, whereby the fences there are thrown down and broken to the great injury of the Commonalty in general, whilst their cattle very often leap over them, but more especially to the prejudice of the Ferryman; redress of which they request." One John Barcker in particular, who had passed that way with a great number of cattle and horses, was ordered by the court to "pay the ferry money of all horses and cattle conveyed by him over the Spytenduyvel, whilst the Ferry has been at Haerlem."

[1] For all the rates alternate prices in wampum were given.

[2] *Rec. N. Am.*, vol. vi, pp. 83-4.

This money was to be used to put the fences again in repair.[1] In the same record is to be noted an expression of dissatisfaction on the part of the court that Verveelen, after a year as ferryman, had not yet finished his house and cattle pen—referring probably to the Bronx side of the river.

Before another year had passed Verveelen had made up his mind that Spuyten Duyvil was too good a wading place for him to attempt to maintain a competition against it. Governor Lovelace had now arrived in the colony. Knowing well that the court of mayor and aldermen had not been particularly pleased with him, the ferryman shrewdly took up the matter of a change in the ferry location with the new governor. Under date of February 27, 1669, the latter referred the matter to the mayor and aldermen for "their Judgment & Resolution therein."[2] At their next meeting the court agreed to the removal and granted him the ferry right at the new location for the remaining three years, provided "he remoeves his habitation thether, or Setleth a sufficiant person in his roome to attend the said ferry," and provided also he submit an annual account of the income from the ferry.[3]

Thereupon the governor, apparently without any protest on the part of the court, proceeded to draw up "Articles of Agreement" between himself and the ferryman.[4] These are much more elaborate than the regulations of 1667, established by the common council. Experience has suggested some changes in rates, quite a reduction being made for horses and cattle. The charge now for a man and horse was seven pence; for a single horse, six pence; for two horses, ten pence; for several, four pence a piece. Where-

[1] *Rec. N. Am.*, vol. vi, p. 130.

[2] *Executive Council Minutes*, vol. i, p. 222.

[3] *Rec. N. Am.*, vol. vi, p. 170.

[4] *Executive Council Minutes*, vol. i, pp. 223-9.

as cattle were ferried more cheaply before, now the rate is the same as for horses. An option was given the owner of a drove of cattle or horses to drive them across without the use of the boat for two pence per head. It was further stipulated that, in case a fair were being held on the island, droves were to be allowed to pass free on the day before and the day after the fair. A lodger could now insist upon sheets for his bed and get them by paying six pence extra. As before, the governor's messenger went free, as did also "any magistrate upon ye publique affaires," or those "sumoned to appeare in Armes upon any Emergent occasion."

The most interesting article in the agreement, however, was that providing that the new town or village of Fordham was "to have it's dependance upon ye Mayors Court of this Citty in like manner as ye Towne of New Harlem hath, They having liberty to Trye all small Causes under £5 amongst themselves as is allowed in other Towne Courts." Herein we see a forerunner of our Greater New York of today. Verveelen was made constable of Fordham and obliged to bear one-third the expense of a causeway over the meadow ground between the ferry and Fordham; the remaining two-thirds was to be met by the inhabitants of the new town. The lease was extended to eleven years, Verveelen being required to pay a quit rent of ten shillings per year; at the end of his lease he must "have ye house Tenantable with a sufficient boate and ye ffences and Gates kept in repaire as they ought to be Continued all ye tyme."

In 1680 there was some agitation for the building of a bridge across the Spuyten Duyvil Creek; no action was taken, however, and on December 30, Verveelen was granted the ferry by Governor Andros for seven years more.[1] After the expiration of that lease he was told by

[1] Riker, *History of Harlem*, p. 416.

Governor Dongan "to hold the premises until further order to the contrary." [1] The construction of a toll bridge actually took place in 1693-4, and in connection therewith the mayor and aldermen once more appear. Governor Dongan proposed its construction to them (January 5, 1693), "for the better accommodation & advantage, which may Accrue thereby to ye Said Citty." [2] After consideration the common council "doe find that itt cannott be well Accomplished without A great Charge, unto this Citty, which att present they are not Soe Capable to Defray." Therefore they proposed that Frederick Philipse be allowed to construct, "A good and Convenient draw bridg," at his own expense and receive certain fixed tolls; a penny per head for cattle, two pence for man and horse, twelve pence for each "Score of Hogs & Sheep," & Six pence for each Cart & Waggon." The first bridge connecting Manhattan with adjoining shores was that at Spuyten Duyvil, constructed and maintained at private expense. We could hardly expect the same interest on the part of the magistrates in a bridge or ferry eighteen miles away at the northern end of the island that they felt in the Brooklyn ferry, so near to their weekly place of meeting and so remunerative.

[1] Riker, *op. cit.*, p. 551.

[2] *M. C. C.*, vol. i, p. 290.

[3] *Ibid.*, vol. i, pp. 306-7.

CHAPTER VI

The Watch

In these days, the Municipal Year Book [1] reveals a uniformed police force of 10,588 in New York. About six hundred of these do their best to see that traffic on our crowded streets is properly regulated, about one-half keep watch at night to see that we do not suffer at the hands of the vicious.

It was not always thus. Going back two hundred and forty years, to the beginnings of the English city of New York,[2] we find the name "police" unknown. Three [3] constables were then the city's protection, at least in the day time. Some of the things their superior officers, the mayor and aldermen, enacted for them to do, are worth noticing.

The Constable of Each ward And Division within this Citty And Libertyes thereof doe from tyme to tyme, make A Strict Search, And Enquirey within there Severall wards and Divisions After All Strangers that Shall Come Reside or Inhabitt, within their Sayd wards or Divisions And give A List And Account of their names to the mayor or in his Absence; to the Eldest Alderman, that further Examination may be made And Ordor taken therein to Save the Citty from Charge.[4]

[1] *Municipal Year Book of the City of New York*, issue of 1916.

[2] Its name had been New Amsterdam till 1664; ten years later, under Dutch re-occupation its name was New Orange for 9 months.

[3] *M. C. C.*, vol. i, p. 64.

[4] City Ordinance, *M. C. C.*, vol. i, p. 135.

By another ordinance one of the constables in each of the five wards south of the Fresh Water was, on the Lord's Day in time of divine service, to walk through the streets and lanes of the city with his staff, and see that the magistrates' orders were observed. He was also to enter the public houses and see if any person be found there, or any drink sold contrary to the magistrates' orders, and to make complaint to the council of any violation.[1]

A large part of these English ordinances, however, are traceable to the Dutch city. For instance, special protection on the Lord's Day, during divine service, was sought for in a petition of the burgomasters and schepens to Director General Stuyvesant and his council shortly after the Indian massacre of September 15, 1655. As a result, the burgomasters were authorized to cause a "corporal's guard," on half the Sunday, to patrol and keep watch during divine service. They were also recommended to set off and enclose the city with palisades, the better to "exclude the wild barbarians."[2]

If we start to note how the city was protected at its very beginning in 1653, the official known as the schout demands our attention. "Fiscal" and "Schout Fiscal" are other names by which this official is designated. He was the connecting link officially between the province of New Netherland and the city of New Amsterdam. At first he was an appointee of the West India Company, like the director general, and was instructed to make complaints against, arraign and punish all delinquents and transgressors of the company's instructions and commands.[3] The duty of detecting smugglers, for instance, rested directly on his shoulders.[4]

[1] *M. C. C.*, vol. i, p. 134.
[2] *Rec. N. Am.*, vol. ii, p. 52.
[3] *N. Y. Col. Docs.*, vol. i, p. 494.
[4] *Ibid.*, vol. i, p. 512.

On one occasion the schout called the attention of the court to the fact that a couple from New Amsterdam had been married in Gravesend, stating that this was not "in accordance with correct practice of the ecclesiastical and civil order in this City." If this were overlooked, it would "prepare a way, whereby hereafter some sons and daughters, unwilling to obey their parents and guardians, will, contrary to their wishes, secretly go and get married in such villages or elsewhere." The court considered this something to be referred to the director and his council.[1]

An activity of a different type appears when the schout represented to the court, on October 19, 1654, that he had found on several nights drinking clubs, with "dancing and jumping and entertainment of disorderly people," at the house of Jan Peck, a licensed tapster. Peck also sold liquor "during Preaching" and "there was a great noise made by drunkards especially yesterday, Sunday, in this house so that he was obliged to remove one to jail in a cart."[2] The court annulled Peck's license. On another occasion the schout arrested and confined Aryaen Jansen van Spreckerhoorn, a sailor from the ship *Black Eagle*, who while on shore in the city, assaulted his skipper with a knife and wounded him. The leniency of the magistrates' court of those days is thus revealed: "in consideration of the delinquents youth, the intercession of the Skipper etc.," van Spreckerhoorn was condemned "to appear in Court, and there with uncovered head, ask forgiveness of God, Justice and his Skipper; to defray the costs of arrest, and pay in addition a fine of sixty Carolus Guilders."[3]

There had been friction between Stuyvesant and his schout fiscal[4] a short time before the city came into existence, and

[1] *Rec. N. Am.*, vol. i, p. 155.
[2] *Ibid.*, vol. i, p. 255.
[3] *Ibid.*, vol. i, p. 309.
[4] *N. Y. Col. Docs.*, vol. i, p. 495 *et seq.*

the imperious director had assumed to remove the company's appointee and name his own secretary and confidant, Cornelius van Tienhoven. The character [1] of the appointee and the unwonted assumption of authority were both resented by the populace, and before the city was a year old a petition was presented to the magistrates, "that a Burgher Schout may be chosen and qualified and that the Company's Fiscal may no longer trouble himself as Schout about Citizens' cases." [2] In a memorial to the directors of the West India Company, under date of December 24, 1653, the burgomasters and schepens request that, at least, they may nominate two men, from whom the governor and his council may choose one.[3] Little satisfaction came from these petitions, and van Tienhoven remained in office until after the Indian uprising of 1655. The directors then wrote to Stuyvesant that they believed the schout fiscal, "with clouded brains filled with liquor," might have prevented even if he did not cause the "doleful massacre," [4] and Stuyvesant felt compelled to remove him. Even then he gave the people no voice in the appointment of his successor.

Important as this official was in New Amsterdam, he was even more so during the brief existence of New Orange. Governor Colve, on January 16, 1674, gave instructions that "The Schout shall be present at all meetings and preside over them unless the Honorable Governor or some person appointed by him be present." When, however, schout, burgomasters and schepens met as a court, the schout having made his complaint as prosecutor, had to "rise up and absent himself from the Bench during the decision of the case." [5]

[1] See Mrs. Schuyler Van Rensselaer, *History of New York City*, vol. i, ch. x and ch. xi, for a portrayal of the same.

[2] *Rec. N. Am.*, vol. i, p. 127.

[3] *Rec. N. Am.*, vol. i, p. 144.

[4] Mrs. Van Rensselaer, *op. cit.*, vol. i, pp. 375-6.

[5] *Rec. N. Am.*, vol. vii, p. 37.

Other instructions were:

He shall take care that the jurisdiction under his authority be cleansed of all vagabonds, houses of ill fame, gaming houses and such impurities. He was to "execute all judgments of the Burgomasters and Schepens without relaxing any, unless with the advice of the Court." He was instructed plainly not to presume either directly or indirectly "to compound with any criminals," but leave them to the judgment of the magistrates. In recognition of his services he was to receive all fines imposed during the year up to the amount of 1200 guilders and half of all other fines.[1]

In the day time the security of the Dutch city was largely in the hands of this official, superimposed on magistrates and burghers. The city was not yet two years old when the burgomasters and schepens began to meditate on the need of protection at night. A record of November 9, 1654, shows that they proposed to establish a "Rattle Watch" of four to six men to guard the city by night. Rules for such a watch were to be prepared and any citizen desiring to hear the same and undertake the work was invited to appear at the city hall a week later. No one appeared and "the meeting adjourned without anything having been done."[2] Thus, for four years more only such protection was afforded the inhabitants as came through the city's schout.

The Indian attacks of 1655 already mentioned, the disturbances up the river in 1658, and the native fondness of the savages for making their attacks under cover of darkness again suggested the rattle watch, and it became a reality with the shortening days and the approach of winter in 1658. The burgomasters engaged Pieter Jansen, Hendrick van Bommel, Jan Cornelisen van Vlensburg, Jan Pietersen, Gerrit Pietersen, Jan Jansen van Langestraat, Hendrick

[1] *Rec. N. Am.*, vol. vii, p. 38.

[2] *Ibid.*, vol. i, p. 265.

Ruyter, Jacques Pryn and Thomas Verdon for the watch. They were to receive twenty-four stivers per night. Four were to watch one night, the other four the next, and they were promised one or two beavers with which to get candles and two to three hundred pieces of firewood.[1] With much reason, therefore, the above eight men may be called New York's first squad of police. Likewise Lodowyck Pos, "Captain of the Rattle Watch,"[2] is the predecessor of all our police captains. In the case of Captain Pos the collection of fifteen stivers per month from all house holders, widows and those whose husbands are from home, preachers and servants excepted, was authorized for the support of the watch.[3] He was instructed to spare no one in his collections. If he discovered that any name was lacking on the list given him, he was to give in the same in writing to the burgomasters. As he went his rounds, if any one threatened him, he was to complain of the offender to the burgomasters.[4] The duties of this rattle watch were elaborately defined under seventeen "items."[5] The watchmen were expected to appear promptly on the ringing of the bell, to supply a substitute if detained by reasonable business, not to report for service drunk nor commit "any opposition, insolence or impurity" within city hall square or in going the rounds; not to go away from the watch without cause nor to go to sleep while on watch nor to "lie still when people call Val Val," nor to "blaspheme the name of God." No one was to fight with another on the watch or even in the morning coming from the watch; indeed the watchman was not allowed to express a desire to fight or challenge any one to fight or to threaten to "beat" him in the morning after the watch was dismissed.

[1] *Rec. N. Am.*, vol. vii, p. 195.
[2] *Ibid.*, vol. vii, p. 198.
[3] *Ibid.*, vol. vii, p. 202.
[4] *Ibid.*, vol. vii, pp. 200, 201.
[5] *Ibid.*, vol. vii, pp. 196-7.

Penalties were attached for the violation of orders, varying from six stivers (12c) to six guilders ($2.40). All fines, as well as presents or fees, were to be pooled and divided among the members four times a year. Furthermore, the occasion of their receiving this money was not to be celebrated by any "drinking meeting." The series of negations or prohibitions ends with the positive instruction that they "shall be bound on going the rounds to call out how late it is, at all corners of the streets from nine O'Clock in the evening until the *reveillé* beat in the morning."

The English at New Haven had established a watch for service both at night and on Sunday some eighteen years earlier, but there is very little to indicate that the Dutch borrowed their regulations. There it was a drum-beat rather than a bell that summoned the watch. Six men and a master of the watch made up one such night guard, and there were in 1642 thirty-one separate watches, comprising two hundred and seventeen men. In forming the membership of a watch, "young and less satisfying persons shall be joyned with another more antient and trusty." What the Dutch divined in advance and embodied in their regulations, the English made known by special proclamation, in August 1642, as follows: "henceforwarde none of the watchmen shall have liberty to sleep during the watch." [1] While the New Haven watch was considered a part of the military, the New Amsterdam watch was purely a citizens' affair.

On January 10, 1661, apparently after the "Rattle Watch" had been allowed to lapse, it was revived. Eight men, including only two of the first watch, took the oath of fidelity to the instructions of 1658 and were employed by the burgomasters at eighteen guilders per month, practically the same compensation as before.[2] At this time no one was con-

[1] Levermore, C. H., *Republic of New Haven*, pp. 51-8.

[2] *Rec. N. Am.*, vol. vol, vii, p. 265.

sidered eligible for service on the watch who did not live within the city gates. Any one inclined to leave the watch was called upon now to give notice to the burgomasters fourteen days previous or lose his pay for the month. Pos was again made captain of the watch at ten guilders per month, although informed by the burgomasters that some complaints had been lodged against him. He must take care that every one come to the watch in his turn. Also, if fire should break out, he was to attend to it and expect the assistance of that half of the watch which was not on duty.[1] Thus we see the functions of police captain and fire captain were at first lodged in the same man. The captain was further instructed not to exempt the company's servants from the watch tax; also he must show the burgomasters a list of the street corners where the watch should call out the hours.

We have every reason to believe that the watch was maintained under much the same regulations after New Amsterdam became New York, in 1664. In November 1665, the number watching each night was increased to six.[2] In default of watching the court declared (January 5, 1674) that every man should pay two shillings for "every neglect of duty without respect of persons." In case of refusal to pay the constables were empowered to "distreyne."[3]

With Dutch re-occupation, in July 1673, the ordinances show (December 27, 1673) that the burgher watch was now to be summoned by beating of a drum instead of the ringing of a bell. All persons were forbidden to enter or leave the city, except through the city gate, "on pain of DEATH," and no one except the watch was allowed on the bulwarks or bastions between sunset and sunrise, "on pain of bodily correction."[4]

[1] *Rec. N. Am.*, vol. vii, pp. 264-5. [2] *Ibid.*, vol. v, p. 320.
[3] *M. C. M.*, February 9, 1675. [4] *Rec. N. Am.*, vol. vii, pp. 35-6.

As now, in tracing the development of the watch, we leave Dutch control behind, we must consider the constable again. During the first English occupation, the people were content to be protected much as they had been before 1664. The schout was designated sheriff. We look in vain to find a constable connected with the city government until October 27, 1669, when the mayor's court appointed Warnaer Wessels to that office and requested him to appear to take oath.[1] In his capacity of constable he brought two men before the court (May 10, 1670) with the complaint that they refused to obey his order to assist him in bringing a drunken Indian to the city hall. The defendants were fined six guilders each.[2] To some extent he appears to have been relieving the sheriff, but he was not yet so important an official as in the towns of Long Island,[3] or even in New Harlem.[4]

With the second English occupation, however, the traditional importance of the constable in English communities clearly applies. The watch was now called "The Constables Wattch," because it was he or his deputy who was responsible for locking the city gates "before nine of the Clock"; it was he who called the roll of the watchmen after the gates were shut, "the faylers to be marked." It was the constable also who gave to the mayor an account of any disorders that occurred during the night's watch. A sergeant or corporal of the watch assumed charge of the force after the roll had been called; his instructions directed him explicitly to "come with his Halberd" and see that the others had each a sword and "good halfe Pike." He was to see that "centinall" duty was equally proportioned, one hour at a time to be the limit. Rounds of the city were to be made at least three times every night and the vicinity of the bridge

[1] *Rec. N. Am.*, vol. vi, p. 203. [2] *Ibid.*, vol. vi, p. 233.

[3] Thompson, B. F., *History of Long Island*, vol. i, p. 140.

[4] Riker, *History of Harlem*, pp. 241-2.

must have special attention.[1] Shirking sentinel duty or absence from the watch, card playing, swearing, cursing, drinking and fighting, were all subject to fines and in general these fines were larger than those of Dutch days.[2] Then, quite as much as now, it was recognized that the city needed to be protected from the very watchmen who were supposed to protect her.

It was recognized also that friction was possible among the watch, "upon the account of being of different nations." An English constable, too, very likely might not have the support of the Dutch members of the watch. A case in point appears in the records of the mayor's court under date of January 15, 1678, when Constable Paul Richards complained of being assaulted by one Jacob Smith. The complete record is as follows:

Mr. Paul Richards Constable *vs.* Jacob Smith	The Plt. complaines against the Deft. for that hee the 15th day of this Instant the Plt. being att the Citty hall upon the Watch the Deft. with force and Armes (viz) with Swords Staves & Knives upon ye Plt. made an Assault contrary to ye Peace of our Sovereign Lord ye King &c.

Ordered that the Deft. find Sufficient Security in £25 for his good behaviour till next Assize and pay for his offense 20 s. to the Towne and forfeite his Sword to the Provost and pay costs and fyne all that was upon the watch and not assisting and Aiding the constable 2 s. 6 d. a peece and to pay Costs.

Even in the "good old days" an occasional shirk appeared. During the latter part of the summer of 1677 the

[1] Note the similar Boston regulation of 1662: "That they vigilantlye view the waterside and motion of vessels about the shoore." *Boston Town Records*, 1660-1701, p. 9.

[2] *M. C. C.*, vol. i, pp. 8-9.

constable complained to the mayor on account of "ye watch being but few in number, but Six men."[1] The mayor ordered the constable to go to the house of one Thomas Taylor, "being ye said Taylors watch night," and demand of him to come and "doe his duty upon ye watch as others did." Whereupon Taylor proceeded to hedge; he did not know whether it was his night or "noe." Of this, however, he was assured by the constable, Jacob Molyne. This did not avail, and we read from the record that "ye Constable after perswading all ye wayes he Could to get him to ye Guard," received the answer of the small boy who does not want to go to church, "that he was not well." Back went the constable to the mayor, who instituted an examination of the constable and watch, but could not find that "ye sayd Tho. ayled anything," and commanded the constable to fetch him. Still he "denyed" to come until Molyne commanded him in "ye King's name." This authority prevailed and he followed the "Constable to ye guard but went away in a very short time after hee Came, unknowne." The court fined him for "Contempt to ye Authority of this Citty."[2]

Evidently Taylor was not the only transgressor, for upon the 18th of December 1678 the provost received an order as follows:

Forasmuch as I am informed that several persons doe refuse or neglect to Watch or to pay for ye same and that severall others doe not conforme themsellves according to the Orders sett up in the Watchhouse in ye Citty hall, *These* are therefore to charge and comand you that you forthwith levy of all and every person & persons so neglecting & offending all and

[1] Probably the number needed on the watch varied with the season. Fifteen names are recorded as watching on the night of November 1, 1679. *Cf. M. C. M.*, November 2, 1679.

[2] *Ibid.*, August 2, 1677.

every such Fine & Fines, summe and summe's of Money as in & by the said orders is mentioned & expressed (yet unpaid) And the Arrearages thereof of all & every the persons so refuseing or offending by Distresse & Sale of the Offenders goods.[1]

"All and every person and persons" in the above command was very sweeping and included, of course, the elders and deacons, who at once petitioned successfully to be excused from the watch.[2] If any of those elders and deacons had been members of the watch on November 1, 1679, they might have shared in quite a "mix-up."

In the mayor's court the next day William Merritt,[3] who figured prominently in the city affairs during the next twenty years, testified that he heard a noise in the street the night before near his house. He went out and saw the watch fighting with some Englishmen and heard some of them cry out, "Slay the English doggs, slay the English doggs." There was further testimony involving pulling by the hair, beating "very sorely" and "breaking his head in several places," that led the court to declare, "the whole watch are fined for the battery and breach of the peace Tenn pounds."[4]

Such a watch would scarcely find great favor with the English governor and his council. Furthermore there were disorders occasioned by Indians and slaves which led the governor to establish a military watch.[5] The orders for this

[1] *M. C. C.*, vol. i, pp. 71-2.

[2] *M. C. M.*, January 14, 1679; *M. C. C.*, vol. i, p. 72.

[3] An Englishman, of course. It will not do for the reader to decide the nationality from the name. See the illuminating chapter in Mrs. Schuyler Van Rensselaer's *History of New York* (vol. ii, ch. xix).

[4] *M. C. M.*, November 2, 1679.

[5] *M. C. C.*, vol. i, pp. 90-92. The orders given for this watch are without date, but when they are considered in connection with other minutes, 1682 seems the probable year.

watch were issued over the signature of A. Brockholls, acting governor since the departure of Andros, and show some changes from the orders of 1676. Militia companies and their officers were to take the place of citizens and constables. The "good halfe pike" was to be displaced by the gun. Sentinel duty may now continue for two hours. In making their frequent rounds the watch must have concern for good order in "Publique Houses" and permit no drinking in such after ten o'clock. "Any Loose Vagrant or Disorderly persons that Cannot Give a Good Account of their Lives and Conversacons and of their Occassions abroad or up in the night," were to be arrested and brought before the mayor the next morning. The constable's only duty connected with the watch was to accompany the marshal and collect all forfeitures and fines once in three days.[2]

Two years later a new governor had arrived, in the person of Thomas Dongan, and almost coincident with his arrival appears a move on the part of the common council in anticipation of a return to the constables' watch. This bears the date of March 29, 1684, and provided that the constables of the five wards south of the Fresh Water [2] were to list all males over sixteen in their several wards, "that A watch may be Settled and Apoynted." [3] On July 10 following it was "thought Convenient That the military Officers and Troopers" be excused from the watch and that the constables of the five wards before mentioned take turns each night and hire eight persons each at twelve pence per night to assist them. This money was to be paid out of the city treasury and it was proposed to raise the money by a

[1] *M. C. C.*, vol. i, pp. 90-92.

[2] A name commonly applied to a body of water located where the Tombs prison is now.

[3] *M. C. C.*, vol. i, p. 147.

tax "On Each house." [1] It would seem from this that the city chose to tax itself for a civilian watch rather than to continue the military one. A number of orders for a constables' watch [2] bearing no date, are probably to be associated with the renewed establishment. These bear close resemblance to the orders of 1676. The constable or his deputy must now remain on the watch all the time. Experience with men like Thomas Taylor doubtless suggested that the marshal notify those whose turn it was to watch. And after that melée of November 1, 1679, we are prepared to read that in going the rounds the watch must be "Still and quiett And not Suffer any Laughing or Loud talking in the Streets." Newcomers after one month's residence were to be listed to "watch and ward," as well as to pay all taxes and assessments.[3] The constables' watch was apparently still in operation five years later, because it is recorded that the bellman [4] was paid £11 4s for his services (£8 14 at one time and £2 10 at another).[5]

However, the first intercolonial war commenced in 1689. The French and Indians fell upon Schenectady, February 9, 1690. It was also the time when strife was rampant within the city between the Leislerians and their opponents. Therefore we are not surprised to find captains instead of constables in charge of the watch, or "Night Guard," [6] as it was now more usually termed, in the records of the following winter.[7]

The expense to the city for firewood and candles for the watch, which had usually been inconsiderable (thirty-six shillings for wood, February 18, 1692),[8] increased greatly

[1] *M. C. C.*, vol. i, p. 153.
[2] *Ibid.*, vol. i, p. 93-4.
[3] *Ibid.*, vol. i, p. 154.
[4] *Cf.*, p. 165.
[5] *M. C. C.*, vol. i, pp. 205-6.
[6] *Ibid.*, vol. i, p. 390.
[7] *Ibid.*, vol. i, p. 266.
[8] *Ibid.*, vol. i, p. 266.

in the latter years of this war. Warrants for the payment of £40 12 were ordered signed by the mayor on October 12, 1695.[1] For the year ending August 1, 1696, the city handed out £54 3 3[2] against an estimate of £50 that was reported November 19, 1695.[3] The next year £63 was the amount required. During these years seven captains of militia were reimbursed at the end of the year for money they had advanced.

The war closed with the Peace of Ryswick, September 20, 1697. Very significant it was, therefore, that exactly two months later (November 20, 1697) Governor Fletcher suggested to the city magistrates that the city militia might be displaced by a civil watch. The mayor was therefore authorized to arrange with "four Sober honest men" for such service on "Such Reasonable Terms as he Shall Judge Needfull."[4] So, after some years, the ringing of the bell at street corners was heard again during the night and the term "Bellman" came more and more to take the place of "Watch." Sometimes we find "Watch and Bellmen."[5] Fines and forfeitures were now done away with. The men appointed had to go under £500 bond to "well and truely Execute the Said Office."[6] Each hour now, more frequently than before, they were to "goe round the Citty" and "proclaime the season of the weather and the hour of the Night," as they rang the bell. If they met any people disturbing the peace or lurking about any one's house or committing a theft, they were to "take the most prudent way they Can to Secure ye said Persons Untill the Next Morning that they may be Examined by the Mayor." They were to expect the aid of the high constable and all other constables

[1] *M. C. C.*, vol. i, p. 384.
[2] *Ibid.*, vol. i, p. 423.
[3] *Ibid.*, vol. i, p. 390.
[4] *Ibid.*, vol. ii, p. 20.
[5] *Ibid.*, vol. ii, pp. 207, 209.
[6] *Ibid.*, vol. ii, p. 24.

in the execution of this duty.[1] Theirs also was the care that "No damage be done in this City by fire or Other Casualties."[2]

The bellmen were regularly supplied with bell, lantern and hour glass[3] (sometimes a two hour glass).[4] They were paid a lump sum that covered their expense for wood and candles,[5] but a portion of this sum would be advanced "for providing them with fire, Candles, &c."[6] It is not easy to understand why it was necessary to pay the four men £60 in 1698,[7] and only about half as much from and after 1705.[8] Five months of service in the winter, from about November 1 to about April 1, was the usual agreement.[8] During the winter of 1712-3 six men were employed for £51,[9] and the same number served the following winter. In 1714, arrangements were made for some bellmen for the summer season; two men, serving all the time from May 1 to November 1, were paid £8 each, and a third, £4 for part of the time.[10] From that time on (until 1731) there was a night watch during the whole year, generally of four men, who were paid £36 for the winter season and £28 for the summer.[11]

With the reëstablishment of the citizens' watch after the First Intercolonial War it is noticeable that the constables do not seem to have the same responsibility as before. The watch was responsible directly to the mayor, although the latter would appear to have made some use of the marshal therewith. The name of this interesting official, who might

[1] *M. C. C.*, vol. ii, p. 62.
[2] *Ibid.*, vol. ii, p. 243.
[3] *Ibid.*, vol. ii, p. 291.
[4] *Ibid.*, vol. ii, p. 454.
[5] *Ibid.*, vol. ii, p. 62.
[6] *Ibid.*, vol. ii, p. 313.
[7] *Ibid.*, vol. ii, p. 28.
[8] *Ibid.*, vol. ii, pp. 207, 243, 281, 364, 454.
[9] *Ibid.*, vol. iii, p. 20.
[10] *Ibid.*, vol. iii, p. 79.
[11] *Ibid.*, vol. iii, p. 217.

be called the forerunner of our police commissioner, first appeared in the common council's petition to Dongan in 1683, and the latter wanted to know what was meant by "Marshall." He was described as "an under officer Assistant to ye sheriffe in serving writts sumoneing Jurys looking after prisners & attending ye Court." The common council offered the further explanation that the marshal and the "Cryer" had hitherto been the same person, and they continued to be one person under the charter.[1] Sometimes the term "Cryer of the Mayors Court"[2] is used; sometimes "Marshall to the Court;"[3] sometimes "Cryer and Merchall";[4] sometimes "Marshall and Bellringer."[5] In this latter case bellringer must not be confused with the bellman of the night watch, the former ringing his bell as a summons to the mayor's court.[6] Enoch Hill was appointed by Mayor De Peyster, November 8, 1698, as "his Marshall and Messenger to the Common Council." The mayor expressed a desire that the marshal be allowed "A Coate Breeches Hatt Shoes Stockings and A Cloake of ye Citty Livery And A Beedles Staff att ye Citty Charge." The board agreed and desired that the "Livery be blew with An Orange List."[7] This is the first evidence of anything like a policeman's uniform in the history of the city. The marshal, with a constable to help him, had been assigned to secure the payment of fines from the military watch in Andros's time, and during the military watch in the time of the war he is recorded as having bought wood for the watch.[8] Later on he made frequent "Journeys to Harlem," and in one instance he was the city official who provided a

[1] *M. C. C.*, vol. i, p. 106. [2] *Ibid.*, vol. i, p. 222.
[3] *Ibid.*, vol. i, p. 209. [4] *Ibid.*, vol. i, p. 109.
[5] *Ibid.*, vol. i, p. 289. [6] *Cf.*, ch. iv, p. 114, note.
[7] *M. C. C.*, vol. ii, pp. 65-6. [8] *Ibid.*, vol. i, p. 266.

coffin for a frozen man.[1] He would certainly appear to have earned his salary, which was seven and one-half pounds per year [2] until 1695, when it was increased to £10 on petition of English Smith, who "found itt Impossible to Live by A Dependance on ye Present Sallary." [3]

Commencing in 1703, the marshal was reimbursed periodically for "Candles for the Constables Watch." [4] This is somewhat mystifying, because the salary paid the bellmen was understood to cover "fire and Candle light." When the minutes are examined closely, however, it is noticed that these payments cover expense for candles furnished during the summer season only; also that the last payment of this kind was made in 1713,[5] just before the bellmen's watch was continued through the year. It seems reasonable, therefore, to conclude that some form of a "Constables watch," distinct from the bellmen, was maintained during the summer season from 1703 to 1714, for which the marshal provided candles. In further support of this conclusion, the reader will recall that bellmen might call on the constables for assistance.[6]

"Police headquarters" of the present day date back to the time of King William's War, when there was a "Roome Appointed for the Guard," probably in the city hall.[7] Without reasonable doubt it was a similar room in the new city hall which was made fit for the watch, July 26, 1707.[8] It was spoken of as a "Watch house," when supplied with a table and racks by the marshall in 1712,[9] and again referred to by the old name "Guard Room" later in the same year.[10]

[1] *M. C. C.*, vol. ii, p. 309. [2] *Ibid.*, vol. i, p. 322.
[3] *Ibid.*, vol. i, p. 390. [4] *Ibid.*, vol. ii, pp. 242, 277, 288, 309, 315-6.
[5] *Ibid.*, vol. iii, p. 50. [6] *Cf.*, pp. 165-6.
[7] *M. C. C.*, vol. i, pp. 321 and 351. [8] *Ibid.*, vol. ii, p. 325.
[9] *Ibid.*, vol. iii, p. 6. [10] *Ibid.*, vol. iii, p. 12.

CHAPTER VII

Fire

New York City's first fire engines were ordered from London in 1731.[1] At that time hand grenades and other chemical extinguishers had not been invented. Yet the story of the days of buckets, hooks and ladders for fire protection is not without its interest.

The homes of the early settlers were very closely grouped at the southern end of the island. The buildings were nearly all constructed of wood and roofed with reeds. In many cases even the chimneys were wooden or plastered.[2] Fire naturally resulted, and so we find fire regulations and fire officials antedating the birth of the municipality.

The recent novel suggestion of the city's fire commissioner, that the owner be charged with the cost of fighting preventable fires,[3] is not so new after all when we read among the very first ordinances, January 23, 1648,[4] "if anybody's house is burned either by negligence or his own fire, he shall pay a fine of 25 florins" ($10). Henceforth no wooden or merely plastered chimneys were to be put into any house between the Fort and the Fresh Water.[5] Such chimneys already in use might remain at the discretion of the firemasters. These officials, four in number, were to

[1] *M. C. C.*, vol. iv, p. 56.

[2] *Rec. N. Am.*, vol. i, p. 5.

[3] *N. Y. Times*, October 10, 1914.

[4] *Rec. N. Am.*, vol. i, p. 5.

[5] A pond formerly situated where "The Tombs" now stands.

visit, whenever they pleased,[1] the chimneys in all the houses and ascertain if they were clean swept, collecting "immediately without contradiction" a fine of three guilders ($1.20) for all that were "neglected and foul." Very sensibly all fines were to be applied to the purchase of fire ladders, hooks and buckets.[2]

A little more than two years after the city was chartered, Director Stuyvesant issued another order, important in this connection, to the effect that the inhabitants of the province the coming spring must move closer together, that they might be better protected against attacks and surprises by the savages. This suggested greater danger from fire and henceforth, in order to prevent sudden conflagrations, no house was to be roofed with straw or reeds and no chimney made of shingles or wood.[3]

It was impossible for a fire master in a small settlement like New Amsterdam to become a popular idol. The director's appointees of 1648 did not consider that they had life positions. Even before the order of 1656, the burgomasters of the infant city had emphasized to the provincial council (April 12, 1655) the necessity that fire inspectors be appointed, and they presented to them a list of nominees of whom the council on the following day chose three as "Fire Inspectors of this City of Amsterdam in N. Netherland."[4]

The initiative of the city officials became very noticeable immediately after the orders of 1656. They state that a great many people within the city limits paid little attention to their fireplaces and chimney sweeping, "which has already

[1] A more specific direction was given September 28, 1648 (*cf. Rec. N. Am.*, vol. i, p. 11).

[2] *Rec. N. Am.*, vol. i, p. 5.

[3] January 18, 1656. *Cf. Rec. N. Am.*, vol. i, pp. 19-20.

[4] *Rec. N. Am.*, vol. i, p. 304.

caused fires several times," and they announced that, with the approval of the director general and council, they had appointed as firemasters Hendrick Hendricksen Kip, Govert Loockermans and Christian Barens. In all the houses within the jurisdiction of the city they were to do for the prevention of fires what was necessary and to collect such fines as were prescribed in the previous orders of the provincial authorities.[1]

Kip and Loockermans had been appointees of the director the preceding year and may have been reappointed out of courtesy to him. Both men were subsequently city officials of prominence, but could hardly have achieved their reputations as firemasters. A suggestion of their inefficiency is found in the court minutes of November 20, 1656. Jacob Stevenson, who had also gained notoriety in other ways, had been warned by the fire inspectors to repair his house or pull it down. Still it stood and that no attention was given to the warning regarding repairs is indicated by the complaint finally made by a neighbor who said that nothing else was to be expected, not only by himself but by the whole street, but a sudden destruction by fire. An order of the court now included the sheriff, who, together with the fire inspectors, was ordered to forbid, within twenty-four hours, the said Stevenson making any more fire there under such circumstances, or they might pull down the chimney or do anything else they deemed proper.

Neither were the fire wardens of the following year taken seriously by the inhabitants, as is illustrated by the following incident: Madaleen Dirckx and her bridegroom were brought before the court of burgomasters and schepens charged with insulting the firewardens on the public highway and with causing a street riot. A request was made

[1] *Rec. N. Am.*, vol. i, pp. 21-2.

that punishment be imposed on the offenders in order that the firewardens' "quality" might be maintained. Madam alone appeared at court and admitted that she and her sister passed by the door of firewarden Litschoe and, "as they always joked when the firewardens came to their house, she said . . . 'there is the chimney sweep in the door; his chimney is well swept,' and not another word was said about it." A fine of two pounds Flemish was imposed and the culprit was notified to avoid all such similar faults.[1]

We know that there were many thatched roofs still unremoved by April 1658, because the owners thereof, having petitioned, were granted two months additional time by the governor and council, "on condition of clearing all away in that time." Meanwhile they were to be on their guard against damage.[2]

It is amusing, four months later (August 12, 1658), to find the schout called into service by the court as one who could perhaps accomplish what the firewardens had failed to do. He was directed to warn all who had placed thatched roofs on their houses or who had plastered chimneys to remove them.[3] Even the dignity of this high official behind the order did not very deeply impress the Dutch burgher. It was evidently as difficult then, as it is now, for men to submit to the interference of the law in what they consider a purely personal matter.

In endeavoring to carry out the above regulation the schout reported, a month later, that in execution of the burgomasters' order, "he was with those who still have thatched roofs and plaistered chimnies and notified them to remove them, and that they made fun at him." He accordingly requested that a penalty be fixed for disobedience.[4]

[1] *Rec. N. Am.*, vol. vii, p. 146.
[2] *Ibid.*, vol. vii, p. 184.
[3] *Ibid.*, vol. ii, p. 419.
[4] *Ibid.*, vol. ii, p. 424.

In 1658, the same year in which the neighbor of the aforementioned Stevenson [1] voiced his feeling of helplessness in case fire should break out, the burgomasters began to concern themselves about apparatus for fighting fire. Four shoemakers were sent for, to whom were shown two sample leathern buckets that had been made in this country. They were asked "to give their opinion thereon and the lowest price they will make them for." Reinout Reinoutsen contracted to make one hundred and Ariaen van Laar to make fifty at six guilders, ten stivers ($2.60) apiece.[2] The burghers were taxed for bucket money, which was collected with considerable difficulty.[3] Early in the next year (January 10, 1659) most of the buckets were ready, and now what should they do with them? It was decided "to put the City Arms on them and number them," and distribute them to the number of a dozen apiece among several of the inhabitants.[4]

Fire ladders and fire hooks were added to the equipment in 1659,[5] and the following year Jan Jansen Hagenaar was ordered "to make a shed to keep the ladders under," [6] after he had looked them up.

What the Dutch provincial and municipal authorities both failed to accomplish was attempted by the English mayor and aldermen the year after the English occupation. Fire wardens were appointed to inspect all chimneys and fireplaces when they think proper, to impose fines for foul chimneys, and to remove wooden or other "improper" ones.[7] Care of the equipment now became definitely a part of the firewardens' task. They were ordered, April 9, 1667,

[1] *Cf. supra*, p. 171.
[2] *Rec. N. Am.*, vol. vii, pp. 191-2.
[3] *Ibid.*, vol. vii, pp. 192, 201, 206, 220.
[4] *Ibid.*, vol. vii, pp. 207-9.
[5] *Ibid.*, vol. vii, p. 228.
[6] *Ibid.*, vol. vii, p. 248.
[7] *Ibid.*, vol. v, p. 298.

to bring the fire buckets to the city hall and to have the useless ones repaired and to mark the hooks and ladders; Henry Obe was ordered to pay for the same from the excise.[1] Henry Obe proved to be a poor paymaster, and Thomas Hall and Hendrick Williams, firewardens, December 1, 1668, had to take the matter to court in order to collect 150 florins seawant for having fire ladders and the other utensils made. The bill was ordered paid "without postponement or delay."[2]

Some of the citizens were negligent about returning ladders and the like after fires, as is shown in the order of August 6, 1667, notifying Mr. Allard Anthony that, "in case the City's ladders as well at his as at Mr. van Ruyvens and Paulus Leendersens bouweries now some years in use, not returned within 10 days from date, each of them shall be condemned to have a new ladder made for behoof of the City."[3]

In 1672 renewed attention was given to the matter of fire protection, the following order being issued under date of July the fourth; "Itt is Ordered that the Buckets & Other Instruments for fire belonging to the Towne shall be brought to the State house[4] within 14 dayes."[5] Later, in October of the same year, firewardens or brandmasters, as they are called in this record, were elected and orders regarding their duties issued:

Whereas itt is ffound necessary that (the) former Custome for Ellecting of Brand masters should bee continued in this Citty: The Court do therefore nominate & appoint Jan Jansen van Brestede, Evert duycking and John Cooly to be brandmasters of this Citty for the space of one whole Jeare commencing

[1] *Rec. N. Am.*, vol. vi, p. 67.
[2] *Ibid.*, vol. vi, p. 158.
[3] *Ibid.*, vol. vi, p. 92.
[4] We should call the "Stadt Huys" the "City Hall."
[5] *Rec. N. Am.*, vol. vi, p. 382.

from the day of the date hereof, during which tyme they are hereby Required: as often as they shall see cause: to make a View of all Chimbnees within this Citty and the Suburbs[1] thereof, and to fine the owners of all those that shall bee defective or not cleansed accordingh to the former Customes; As alsoo to take ceare that hookes and Ladders made to that purpose, may bee brought and fastned to some Convenient place which they shall thinke fitt.[2]

During the second Dutch occupation the following ordinance regarding fire marshals was issued:[3]

Whereas it is found necessary for the prevention of accidents that the election and appointment of Firewardens be continued within this City according to previous custom, the W. Schout, Burgomasters and Schepens of the City of New Orange have therefore nominated and authorized as they hereby do, as Firewardens of this City for the term of one current year, Jan Jansen van Bresteede, Everd Duyckingh, Rynier Willemson, baker, and Jonas Bartelse, who are hereby requested and authorized to execute and fill the aforesaid office as Firewardens and Chimney Inspectors in such manner as the same has been heretofore executed and filled by their predecessors pursuant to the Ordinances and Placards thereof existing.[4]

It is interesting to note, from a comparison of the two previous records, the continuance in office of two of the former officials under the English régime, as well as the endeavor to maintain existing customs.

On January 30, 1674, the firewardens gave a written report of the number of fire buckets and other implements on hand and asked that more fire hooks and ladders might be made.[5]

[1] "Suburbs" would be defined then as the locality just north of the wall.

[2] *Rec. N. Am.*, vol. vi, p. 393.

[3] *Ibid.*, vol. vii, p. 35.

[4] *Ibid.*, vol. vii, p. 35.

[5] *Ibid.*, vol. vii, p. 49.

The New Orange board of firewardens seems to have been a most business-like and persistent company, for on February 27, 1674, they presented a minutely detailed account of repairs and equipment that was necessary emphasizing fire ladders and hooks. In their petition they set forth their compliance with the order to inspect the houses of the city and stated that they had found "divers fireplaces very much exposed to cause a conflagration," and that the owners had been warned to attend to the same.[1] As no reference was made to thatched roofs, wooden or plastered chimneys etc., may we not infer that continued pressure had done away in great measure at least, with those previous sources of trouble? That the number was greatly diminished is learned from a record of February 28, 1677, which gives the names of ten people having houses with no chimneys and of two, with chimneys "not fitt to keepe fire in." Among the ten were "ffredrick the Shoemaker, Jacob the Jew, John the Glass maker." The dozen offenders were given three months to make their chimneys safe or "depart their houses." [2]

The firewardens also related that the city crier had, in accord with their orders, published throughout the city that any inhabitants having city fire buckets were to return them to the city hall or hand them to the firewardens, but with all their efforts they had been able to collect only fifty-seven buckets, three of which had been left with Abel Hardenbroeck for repairs. Two old fire hooks with one old ladder, all unfit for use, were found at the city hall. A request for better equipment followed. The request was granted and they were empowered to have such equipment made at the city's expense as they deemed necessary.[3]

[1] *Rec. N. Am.*, vol. vii, pp. 66-67. [2] *M. C. C.*, vol. i, pp. 42-3.
[3] *Rec. N. Am.*, vol. vii, pp. 66-7.

The Dutch magistrates were thus unwittingly building well for the English administration that was soon to follow. One of the first records of the new mayor's court, March 23, 1675, tells of the appointment of two men as "brand masters to looke after fowle Chimneys and fyers in this Citty according to former Custome." Also they were to care for "the lathers, hookes and fyer buckets." [1]

It is of more than usual interest that the first fine recorded for a chimney fire was imposed January 27, 1680, on William Dervall, a former mayor.[2] It will be a surprise to most readers to learn that a similar municipal ordinance is still in force, carrying a fine of five dollars.[3]

The custom of building fires on the wharf for boiling pitch, food etc. for the vessels docked there came to be considered a menace to such an extent that the governor, October 8, 1679, called the attention of the common council to it in order that legislation might be undertaken to check it. The one and only place for pitch boiling was then designated by the common council to be "against the stone wall of the halfe Moone neere the Cytie Wall." This fire was to be extinguished every night. No fire was to be allowed aboard any vessel; the fires where pitch boiling was allowed were to be used for cooking or other need, unless in "Extremity of Winter and with leave." [4]

Twenty shillings was the penalty for the first offence, fifty for the second, and five pounds for the third. The haven master was instructed to inform all strangers with regard to the above-mentioned regulations.[5] A year later, November 23, 1680, an offender was caught having fire in his boats

[1] *M. C. M.*, March 23, 1675. [2] *Ibid.*, January 27, 1680.

[3] Principal John H. Denbigh of the Morris High School paid such a fine March 4, 1911.

[4] *M. C. C.*, vol. i, p. 73. [5] *Ibid.*, vol. i, p. 73-74.

and fined by the court the twenty shillings for a first offence.[1] It would seem as if the regulations forbidding all fires on board vessels must have been considered too strict, for we later find, March 22, 1684, an order forbidding fires kept on board vessels "att any Other tyme than from Day Light in the morning till the Ringing of the Citty Bell att night under the Penalty of Tweenty Shillings."[2]

Fire regulations again called for attention at the council meeting of March 15, 1683, old regulations being somewhat amended and new ones made. The mayor and aldermen were to appoint viewers and searchers of chimneys and fire hearths, to report any defects to the court of mayor and aldermen. Inhabitants were forbidden to put hay or any other combustible material in or near their houses. A fine of fifteen shillings was to be paid in case a chimney got on fire. Again, provision was to be made for keeping hooks, ladders and other implements in a convenient place.[3]

As the city grew, one may well imagine that difficulties arose in establishing places which were convenient for all, to say nothing of the necessarily larger amount of equipment to be furnished. On February 28, 1687, the common council launched a new scheme. Each inhabitant of the city who had two chimneys in his house was to have one bucket on hand; if he had more than two hearths he must have two buckets. Brewers must have six buckets and bakers, three. Time until the twenty-fifth of the following September was granted for procuring these.[4]

When the new "Viewers and Searchers of Chimneys" were appointed, November 2, 1686, they were instructed to make their inspections once in fourteen days at the least,

[1] *M. C. M.*, December 7, 1680.
[2] *M. C. C.*, vol. i, p. 144.
[3] *Ibid.*, vol. i, p. 139.
[4] *Ibid.*, vol. i, p. 187.

or oftener if necessary.[1] The time for procuring buckets had expired and doubtless the frequent inspection was in line with seeing that the regulations were enforced.

It was about this time also that a city chimney sweeper was appointed. William Butler was the first incumbent. He was to pass through the "Streetes Lanes and Passages" frequently, "with such noise or Cry as may Discover yow to the inhabitants thereof." He was authorized to charge one shilling for sweeping a one story chimney; eighteen pence for one of two stories or more.[2]

The services of Dirck Vanderburgh, a city bricklayer, were sought again and again in the next twenty years in the matter of fire prevention. On November 16, 1689, he and Peter Adolph were ordered to "make a view of all ye Chimnys in this City as also of all Bucketts & other Materialls against fyre." They were to call upon a constable to assist them in each ward and report transgressors to the common council.[3] Two years later, November 25, 1691, Vanderburgh was named as one of a committee of four to "goe round the Towne and View each fire place and Chimney that they be Sufficient and Clean Swept."[4] At the same time the ordinance of 1686 relating to buckets was reemphasized. Responsibility for procuring the buckets was now definitely fixed. It rested with the tenant, who, was to "Marke the Bucketts with the letters of his landlords name" and be allowed a deduction therefor from his rent. The mayor might use his discretion in penalizing people too poor to provide buckets.[5] A regulation of this sort led to temptation in time of fire. A blaze occurred at Smith's Fly in the winter of 1691-2, after which a complaint came to the common council that several buckets were lost; "where-

[1] *M. C. M.*, November 2, 1686. [2] *M. C. C.*, vol. i, p. 184.
[3] *Ibid.*, vol. i, p. 211. [4] *Ibid.*, vol. i, p. 255. [5] *Ibid.*, vol. i, p. 255.

upon the crier was ordered to give notice around the city that any person who had taken a bucket other than his own must return it to the mayor.[1] Prosecution would await any one "in whose hands soever any of the Said Bucketts Shall be hereafter found." [2]

At the common council meeting of December 3, 1695, Vanderburgh was named as sole "Overseer and Viewer of ye harths and Chimneys of each Respective Ward." He was authorized to call the constable of a given ward to his assistance at any time, and especially detailed to provide six ladders, "two whereof to have hookes," at the expense of the city.[3] Nine pounds five shillings was Dirck's bill for these ladders. The city had a good chance to see whether it got its money's worth, for the bill was not paid until ten years later.[4] It is no wonder that such a patient waiter as Dirck—he was now Alderman Vanderburgh—should be again detailed, October 1, 1706, to "provide for the publick use of this City Eight Ladders and two fire hooks and Poles" and bring in his account for the same. The city had now attained such a degree of affluence that the court could afford to pay Rev. William Vesey five pounds as a "Gratification" for an election sermon;[5] so the larger bill of nineteen pounds and two shillings for this fire apparatus was speedily settled.[6] The life of a ladder appears to have averaged about a dozen years. New "Ladders and Hooks for the publick use of this City" had to be provided once more in 1716,[7] and yet again in 1730 "in such number as has been usual." [8]

[1] Forty-eight hours was the limit of time for returning buckets after a fire as provided by an ordinance of November 18, 1731; *cf. M. C. C.*, vol. iv, p. 83.

[2] *M. C. C.*, vol. i, pp. 266-7.

[3] *Ibid.*, vol. i, p. 391.

[4] *Ibid.*, vol. ii, p. 292.

[5] *Ibid.*, vol. ii, pp. 63, 122, 194, 210.

[6] *Ibid.*, vol. ii, p. 316.

[7] *Ibid.*, vol. iii, p. 132.

[8] *Ibid.*, vol. iv, p. 3.

One may readily believe that a new system of inspection against fire in 1697 emanated from the same fireman, Dirck Vanderburgh. It was an arrangement whereby the responsibility for clean chimneys and safe hearths was centered in the alderman and assistant of each ward. Each pair of such officials was to appoint a pair of persons to make weekly inspections. One half the fine paid by offenders was to go to the inspectors. A negligent inspector forfeited six shillings and lost his job.[1] It is to be noticed that no jurisdiction over the fire buckets or apparatus was included in this scheme. Later the alderman in each ward was made responsible for this work also.[2]

[1] *M. C. C.*, vol. ii, pp. 23-24.

[2] *Ibid.*, vol. ii, p. 245.

CHAPTER VIII

Charities and Correction

Professor Howard, in his volume on local constitutional history, speaks of the people of New England as "exceedingly jealous of the intrusion of strangers into the community."[1] He did not need to take pains to pick out New England, as a glance at the laws and orders of New York city, enacted in 1684, will show.[2] We know what our federal authorities have done in recent years to keep out of the country the undesirable immigrant who might become a public charge. Even more rigid was the municipal government of early New York. It was the duty of the constable of each ward frequently to "make A Strict Search, And Enquirey" after all strangers and report such to the mayor. Moreover, "Every keeper of Publique houses Taphouses or Ordinaryes" who lodged a stranger over two days was obliged to report to the constable of the ward "the Name Surname Dwelling place, Proffession And Trade of Life And Place of Service of all Such Person Or Persons, and for what Cause he or they Came to Reside there."

If the master of a vessel brought a stranger to the city, he must give his name to the mayor within twenty-four hours under a penalty of forty shillings.[4] Even a

[1] Howard, G. E., *Local Constitutional History of the U. S.*, p. 87.

[2] *M. C. C.*, vol. i, p. 135. [3] *Ibid.*, vol. i, p. 135.

[4] *Ibid.*, vol. i, p. 220.

private citizen was liable to the same fine if he entertained a visitor longer than seven days without informing the mayor.[1] After one month the newcomer must "watch and ward and pay all Taxes and Assessm^ts and doe all Other Such things As the Inhabitants from tyme to tyme Shall be Obliedged to Pay and Performe."[2]

The young city had its poor, nevertheless, and we are interested to see how they were cared for. We glean just enough from the records of the Dutch city to know that it was the church and not the municipal government that carried the burden. The church deacons expected voluntary contributions to be placed in the several "poor-boxes." The contents were gathered from time to time and used for the care of the needy.[3] Very few appeals came, therefore, directly to the municipal authorities. There was a case in 1670 of one John Fossacre (otherwise spelled Fossiker and Folshave) desiring some help during his sickness. The burgomasters and schepens "do recommend to the deakons of this Citty to allow the Petitioner some support, and to enquire Concerning the deseaze and Condition of the Petitioner, and the place of his Late residence, and to make a returne thereof at the next Court day."[4] No "returne" appears in the records of the next court day, but when the same man petitioned again the following year,[5] followed by similar action on the part of the court, the deacons of the Reformed Church reported that the petitioner belonged to the Lutheran Church whose deacons ought to maintain him.[6] The court summoned the Lutheran deacons to appear at the next court. Evidently they made

[1] *M. C. C.*, vol. i, p. 220.
[2] *Ibid.*, vol. i, p. 154.
[3] *Rec. N. Am.*, vol. iii, p. 143; vol. vii, p. 242.
[4] *Ibid.*, vol. vi, p. 266.
[5] *Ibid.*, vol. vi, p. 340.
[6] *Ibid.*, vol. vi, p. 348.

it clear to the court that Fossacre was unworthy, for it was ordered that "they shal give no more allowance to Jno fossiker, til further order." At the same time the squabble between the respective deacons was settled by the court. "Each Church should for the future Maintaine their owne Poore." Furthermore, in both churches, Lutheran as well as Reformed, the deacons at a public meeting should render an account of how they have disposed of the money they have collected for the poor.[1]

During the first decade of the English city no change from the Dutch practice appears. In 1685 Governor Dongan recommended "to the Consideration of the Common Councell the maintainance of the poore."[2] It is apparent that the board agreed with him that a change was necessary, for it was decided that the aldermen of all wards "doe inspect what persons within their Severall wards are poore and Wanting almes for their Susteanance and make Certificate thereof to the Mayor that Care may be forthwith taken for their Reliefe out of the publique Theasury of this Citty and County."[3] If any particular ward failed to make a report, it must maintain its own poor. It was expected that the aldermen would have the assistance of the constables in their several wards in their inspection.

A couple of years later the alderman and assistant of each ward were authorized to provide for their own poor directly, without reporting to the mayor. They were to draw on the city treasury for what they expended.[4] In the year 1688 something over twenty pounds was thus expended.[5] At a meeting of the common council, on

[1] *Rec. N. Am.*, vol. vi, pp. 352-3.
[2] *M. C. C.*, vol. i, p. 167.
[3] *Ibid.*, vol. i, p. 172.
[4] *Ibid.*, vol. i, p. 194.
[5] *Ibid.*, vol. i, pp. 205-6.

January 4, 1690, when more funds were for the needed poor than the city had at hand, each constable was ordered to take up a collection from all the inhabitants of his ward for the maintenance of the poor and to render an account of the same to the mayor.[1]

In the year 1691 we have the first record of the common council issuing orders for the support of given individuals. One Captain Collier was to have three shillings six pence per week allowed for his maintenance and paid to his landlord.[2] This amount was the one generally allowed; sometimes two shillings was considered enough; rarely four was allowed. Women regularly were maintained at less expense than men. "Two Woemen and two Children without the gate in the House of John de La Vall the one called Topknott Betty the other one Stillwells wife with the Children" were allowed four shillings a week for one month's time.[3] The allowance was not always in the form of money. The treasurer was to let one Scarrbanck "have a new Suite and assist him in whats wanting."[4] One John Roux was shut up in the city jail after the first intercolonial (King William's) war commenced and threatened to become an expensive city charge because his wife and children were without support. The prisoner's petition in their behalf to the governor and council was referred to the mayor and aldermen, who were directed "to Supply the Nessessitys of ye Prisoners wife and Children or to Give an Account next Thursday unto the Council of their Reasons to the Contrary." The children were ordered to be "put out" by the overseers of the poor "in Some Good Reputable Families" during the father's period of im-

[1] *M. C. C.*, vol. i, p. 212.
[2] *Ibid.*, vol. i, p. 226.
[3] *Ibid.*, vol. i, p. 233.
[4] *Ibid.*, vol. i, p. 234.

prisonment.[1] The effects of James Nichols, familiarly known as "Petty Boys the distracted man," were ordered to be cared for to the unfortunate man's best advantage during one of his periods of "distraction."[2]

When Abraham de Peyster was mayor in 1691, it was decided to try a new arrangement. Two councilmen, Johannes Kipp and Teunis de Kay, were made overseers of the poor for three months, "Impowred to releave Such persons as they Shall deeme Objects of Charity and to draw bills upon the Treasurer for Such moneys as they Shall disburse for Such Ends in the managem[t] of w[ch] they Shall act joyntly."[3] The same men were continued in office for three months after Feburary 18, 1692,[4] and this custom was followed with some degree of regularity for over three years. In 1695 these officials were raised in importance by an act of the provincial assembly enabling the common council "to make Choice and Elect by Majority of Votes five Freemen of the Said Citty who with the Said Common Council are to Raise all Taxes for Defraying of ye Publick Charges of ye Said Citty now Especially for Maintaining of the poor Repairing the High ways and all Publick Buildings."[5] This was an enabling rather than a compelling act, but the common council took advantage of the same for a few years. The new officials appear first in the records of October 20, 1695,[6] and are called "Overseers of ye poor &c." At other times they were variously "The Overseers &c,"[7] "the Overseers of ye poor & Public works &c."[8] "Overseers of the poor and Publick Works and buildings,[9] or simply "Overseers of ye Poor."[10]

[1] *M. C. C.*, vol. i, p. 348.
[2] *Ibid.*, vol. i, pp. 287, 307.
[3] *Ibid.*, vol. i, p. 258.
[4] *Ibid.*, vol. i, p. 265.
[5] *Ibid.*, vol. i, pp. 387, 396-7.
[6] *Ibid.*, vol. i, p. 387.
[7] *Ibid.*, vol. i, p. 389.
[8] *Ibid.*, vol. i, p. 387.
[9] *Ibid.*, vol. i, p. 421.
[10] *Ibid.*, vol. i, p. 394.

The common council chose one overseer from each ward.[1] At first these new officials had more to do than the aldermen and assistants.[2] Along the line of charity their first instructions were to "Visitt the several Wards of this Citty and Examine what poor there is that are fitt Objects of their Charity & make an Estimate what will be Nessessary to be Raised for their Reliefe and make Reporte thereof to the Clerkes office this day forthnight."[3] The sum of £100 for one year was their estimate. A tax was ordered for raising the same,[4] and the overseers were authorized to borrow £20 for present use.[5]

We have reason to believe that the office was not eagerly sought. The poor tax came in slowly and the overseers lacked funds and became tired of advancing from their own pockets. John Spratt paid a fine rather than serve as overseer in 1696.[6] At one time Alderman Jacobus Van Cortlandt loaned ten pounds when the treasury was empty.[7] The general situation was sensed by William Baker, who at his death left forty pounds to the city to be given to the poor.[8] Truly the modern humanitarian spirit in our metropolis found its earliest substantial manifestation in William Baker in 1697.

A committee of inquiry reported, June 9, 1697, that the city owed the overseers £106 and that £50 more would be needed before the end of the fiscal year in October.[9] Some five years later, in a petition to the provincial assembly, the municipal government asked "That A Law be Enacted to Enable the Citty of New

[1] *M. C. C.*, vol. i, p. 421.

[2] See *M. C. C.* of October 20 and November 19, 1695, vol. i, pp. 387-391.

[3] *M. C. C.*, vol. i, p. 387.

[4] *Ibid.*, vol. i, p. 389.

[5] *Ibid.*, vol. i, p. 390.

[6] *Ibid.*, vol. i, p. 429.

[7] *Ibid.*, vol. i, p. 429.

[8] *Ibid.*, vol. ii, p. 10.

[9] *Ibid.*, vol. ii, p. 10.

Yorke to Raise Money for the Reliefe of the poor soe often as their shall be Occasion.[1]

It may be that Mayor Peartree's government thought to reduce the number of paupers by such a scheme as the following: "Order'd the Church Wardens of this City put A Badge upon the Cloths of such poor as are Clothed by this City with this Mark N: Y in blew or Red Cloath att their discretion."[2] The foregoing is the first mention of the church wardens in connection with the poor, and it is significant because the records had made no mention of overseers of the poor for some ten years previously. The office apparently had been allowed to lapse and the care of the poor had been transferred to parish officers.[3]

Commencing with 1713, the municipal authorities considered petitions for charity when the officials were sitting as a court rather than as the common council, and one searches the court minutes rather than the council minutes for material. Now for the first time we have a census of the city's poor, to whom the church wardens are ordered to allow "such Reasonable Maintainance" as they shall think of absolute necessity for their relief.

This first pauper list is not without interest and is appended:[4]

Daniel Butts	Catherine Reade
Effie a blind women	Anne Shuttleworth
Sarah an old Maid	Mrs. Hope
Mrs. Cooley a soldier's wife	Mrs. Taylor
Cornelius Van Vlierden	Mrs. Carlse

[1] *M. C. C.*, vol. ii, p. 206. [2] *Ibid.*, vol. ii, p. 330.

[3] For these parish officers in England, *cf.* Stow, John, *A Survey of London, Westminster, Southwark and Parts Adjacent*, vol. ii, pp. 720, 767.

[4] *M. C. M.*, March 24, 1713.

Mary Cooley — Margarett Key
Elizabeth Dragoon — Mary Brown
Effie Bluett a blind women[1]
Philip Battin & Pasco Battin
(two fatherless & motherless children)

Later on, March 20, 1716, the church wardens were ordered to "Strike Mary Brown out of the list of the poor of this City She being a lewd woman as the Court is informed.[2] "Speedy relief" for the poor was reported as an "Absolute Necessity" with the approach of winter in 1713, and the mayor was directed to procure £100, "Either by Bond of this Corporation or Mortgage of the ferry," and hand it over to the church wardens.[3] A little over a year later, January 4, 1715, the poor were again "in great want" and funds were gone. The common council suggested that the church wardens advance the fifteen pounds declared to be immediately necessary, the city to repay later with interest.[4]

It was about this time that the question of a poor house was first considered. Three aldermen and three assistants were named as a committee, March 24, 1714, "to Consult with the Mayor about the building of A poor house and house of Correction in this City.[5] The construction of such a building was delayed, however, until 1735,[6] but we know that a temporary poor house was provided immediately, because Andrew Roulson, blacksmith, "being very sick and weak and an Object of Charity," was ordered to be maintained "in the poor house," September 28, 1714.[7] Samuel Carratt, also

[1] Probably the same "Effie" mentioned above.
[2] *M. C. M.*, March 20, 1716.
[3] *M. C. C.*, vol. iii, pp. 52-3.
[4] *Ibid.*, vol. iii, p. 83.
[5] *Ibid.*, vol. iii, pp. 59-60.
[6] *Ibid.*, vol. iv, p. 251.
[7] *M. C. M.*, September 28, 1714.

"very sick and weak," was ordered into the poor house about the same time, to be maintained "until he be able to work for his living," and the church wardens were ordered to pay the "woman of the poor house for his support.[1]

Elizabeth Burger was the keeper of the almshouse in 1715, and the church wardens were ordered to pay her the munificent sum of six pounds, "for Supplying her with necessaries for the use of the poor and for her Care and trouble about them for one year."[2] Two or three years later the poor are spoken of as being maintained at the house of Garratt and Elizabeth Deboogh.[3] It is evident that the number maintained within the poor house was much smaller than that cared for outside. The mayor's court looked to the church wardens to investigate and bring to their attention the needy cases; each case was considered by itself and orders were given to the wardens for the disposition of the same.

The aged and crippled were naturally the most numerous dependents; frequently there were orphans, and widows left with young children. In case of the children the authorities always sought to "put them out" or apprentice them, and thus relieve the city of the burden.[4] Among the aged dependents the name of Jarvis Marshall, once the city's haven master,[5] appears several times.[6] Jemima Haley was not old, but she sought temporary assistance until she was cured of a dog bite.[7] John Downing got thirty shillings while his collar bone was

[1] *M. C. M.*, August 31, 1714.
[2] *Ibid.*, July 5, 1715.
[3] *Ibid.*, August 13, 1717, August 19, 1718.
[4] *Ibid.*, September 1, 1719, October 27, 1719.
[5] Ch. iv, p. 112, *et seq.*
[6] *M. C. M.*, September 20, 1720, January 10, 1721.
[7] *Ibid.*, August 19, 1718.

mending.[1] Danell Usen was in the poor house after having been taken from a wreck at sea,[2] while Capt. William Trevillian was given thirty shillings toward his support, "he being lately taken by a Spanish Privateer near the Coast of Virginia," where he lost the ship of which he was sole owner and "all the rest of his Substance.[3] One Susan, commonly called "Mad Sew," was supplied with "a good pair of Shoes & Stockings & Other Necessary Warm Clothing She being very old Poor & Non Compos Mentis."[4] A flax wheel and a pair of wool cards were provided for the wife of Thomas Clifton, who had lost his eyesight.[5] Interesting also is the case of Sarah Meals, who received forty shillings "to Remove herself" out of town.[6] There were many, many cases where the city was called upon to pay the expenses of burial.

On several occasions a physician was paid for attendance upon the city's poor. Dr. Johannes Kerfbyl was paid five pounds in 1689, for looking after them for one year,[7] and the same amount was allowed him at a later time.[8] Jacob Provoost is spoken of as "Doctor to the poor of this City" in 1713, the church wardens being ordered to pay him eight pounds in full of his salary.[9]

Hospitals are a comparatively modern creation in the history of the city. To be sure, as far back as 1677, a "Lunatick" gave the authorities some concern and a house was ordered built for him within the fort.[10] Again, in 1699, the common council ordered the mayor "to Agree with Some person for the Keeping of An Hospi-

[1] *M. C. M.*, February 9, 1720.
[2] *Ibid.*, January 26, 1720.
[3] *Ibid.*, August 23, 1715.
[4] *Ibid.*, October 10, 1724.
[5] *Ibid.*, February 11, 1718.
[6] *Ibid.*, May 9, 1721.
[7] *M. C. C.*, vol. i, p. 206.
[8] *Ibid.*, vol. ii, p. 68.
[9] *M. C. M.*, June 9, 1713.
[10] *Ibid.*, November 20, 1677.

tal,"[1] but nothing appears to have been done. When there came to be a poor house, it served at the same time as a hospital until after the Revolution.

A gaol or prison was an early necessity. When excavating for the new subway, in the spring of 1914, workmen came upon a brick wall containing windows with an iron grating. The *Enginering Record* of April 11, 1914, believed this to be the wall of an old Dutch prison. The location, under Church Street between Dey and Cortlandt, made this impossible since the Dutch city was bounded on the north by the wall. It may have been one of the warehouses that lined the strand in the early days of the English city; it certainly was not a Dutch prison. The Stadt Huys is mentioned again and again as the abode of New Amsterdam's sinful souls. The English city made use of the same prison quarters until the new city hall was completed, in 1700, and this latter remained the only city prison until 1760. Six years before the first English occupation the New Amsterdam government issued detailed instructions for the keeper of the jail and public prison.[2] Among other things, he was "bound to note down when the prisoners are brought into the public gaol and the name and surname and also when they are discharged, and what cloaths, money, goods they brought with them into the prison." He must "thoroughly visit the prisoners and the cells at least two or three times a week either by night or by day." He must look closely to see that the prisoners "have not knives, irons, rope or other instruments to break out or to injure themselves." If through his neglect any escaped, he might be sued therefor. Except by consent of the schout, burgomasters, and

[1] *M. C. C.*, vol. ii, p. 85.

[2] *Rec. N. Am.*, vol. ii, pp. 294-6.

schepens, he might not relieve prisoners from their fetters nor increase them unless escape had been attempted. Any thus "secured" must be immediately reported. Weekly rations of meat and drink were prescribed for each prisoner—three pounds of beef, one and one half-pounds of pork, a can of beer daily (this amount doubled in summer), and the like. These the jailer must furnish as prescribed, unless any were "placed on bread and water," in which case he must not let them have anything else nor even sell them anything. He "shall inspect and clean the prison every week, so that no stench may arise." No one might "come to speak to the prisoners, except though the grating, without the consent of the schout and president." The jailer should separate the prisoners as much as possible from one another and "arrange them according to their offences and persons, especially the women from the men." No fire or light was permissible in the cells, but a prisoner sitting in the prison chamber might have a candle every two days, which he could burn until eight o'clock on a winter's evening, and nine in the summer.

During the year 1657, the year before the aforesaid instructions were drafted, we are informed that Anthony Baeck was keeper of the jail at one hundred and fifty florins ($60) salary.[1] With these instructions, however, a system of allowances to the jailer came into vogue, and the incumbent whose income was based on the number of prisoners must have been in a position to welcome a "wave of crime." He received an allowance of twenty stivers (40 cents) per day (subject to change at the order of the judge) for feeding a prisoner, which amount was reduced one-half if the fare was bread and water. Even

[1] *Rec. N. Am.*, vol. ii, p. 289.

if there were no prisoners in confinement he could not sleep outside the prison except by consent of the president.[1] We have every reason to believe that the same regulations prevailed after the city came into the possession of the English. Indeed, it is quite impossible to detect any marked difference in the correction of wrongdoers after the English assumed control of the municipality.

Imprisonment alone has been considered thus far as a form of correction. A second form of penalty was, of course, the fine. "Imprisonment and fine" were linked quite as closely in the colonial as in the modern city. In cases where a fine was imposed a very common arrangement was to grant one third of the same to the informer, one third to the schout, and one third to the city;[2] as a consequence we find the schout recommending right along a fine of goodly proportions, which the court invariably diminished. For example, Schout Nicasius de Silla wanted two citizens fined "£4 Flemish" each for racing with their horses on Sunday after the sermon. The court placed the fine at three guilders each ($1.20).[3]

In 1667, under the English régime, Allard Anthony, the sheriff, thought Thomas Tailer ought to pay a fine of 100 guilders ($40) for striking Laurens Silla till the blood came; the court fixed the penalty at ten groats (about eighty cents).[4] The casual reader, indeed the close reader in matters colonial, almost invariably pictures in his mind miscreants standing at the pillory, sitting in the stocks, lashed to the stake, or dangling from the gallows. If the culprit be a brawling woman, she is thought of as occupying the ducking chair and about to

[1] *Rec. N. Am.*, vol. ii, pp. 294-6.
[2] *Ibid.*, vol. ii, p. 19.
[3] *Ibid.*, vol. ii, pp. 131-2.
[4] *Ibid.*, vol. vi, p. 87.

make close acquaintance with the cool waters beneath. A study of the records, however, shows that such forms of correction in New York were very infrequent. One Mesaack Martens, in 1661, for stealing some cabbages, was sentenced "to stand in the pillory with cabbages on his head."[1] Following this the pillory seems to have had no further use. Some thirty years later the disorder accompanying Leisler's rebellion may have induced the common council to order "that the Sherriffe Imediately cause a Ducking Stoole to be built upon the Wharfe before the Citty hall and goe to the Treasurer for his pay."[2] This order was not carried out, and the reason why is not difficult to guess. The sheriff would much prefer that a fine be imposed, one third of which was regularly paid to him. Several months later, February 4, 1692, another order provided for the immediate construction of a pillory, cage, and ducking stool, and now William Merritt and Capt. Thomas Clarke were "joyned in a Comittee with the Sherriffe for finishing the Same."[3] One would expect the court would find suitable candidates for these newly constructed penal instruments, but the only evidence we have that they were actually completed is a minute to the effect that they needed repair in 1695.[4]

We find no mention whatever of the stocks in Dutch times. In 1699, however, there were such in existence in front of the old city hall, from which place they were then ordered to be removed, together with the cage and pillory. It was at this same meeting that the old city hall was ordered to be sold to the highest bidder.[5] For more than two years the city must have existed without

[1] *Rec. N. Am.*, vol. iii, p. 410.
[2] *M. C. C.*, vol. i, p. 253.
[3] *Ibid.*, vol. i, p. 267.
[4] *Ibid.*, vol. i, p. 384.
[5] *Ibid.*, vol. ii, p. 81.

these instruments of punishment, the sight of which rather than their actual use was supposed to lessen crime. On November 1, 1703, "a Cage, Whipping post, pillory and Stocks" were ordered to be erected in front of the city hall.[1] They were moved to a slightly different position in Broad Street seven years later,[2] and in 1720 they were again replaced by new ones.[3]

Stow describing the Cornhill pillory[4] in his *Survey of London* says, "On the top of which Cage[5] was placed a Pillorie for the punishment of Bakers, offending in the assize of bread; for Millers stealing of Corne at the Mill; for Bawds, Scolds, and other offenders." A careful search through the court records of the burgomasters and schepens as well as those of the mayor's court reveals offenders of this sort in plenty, but only a single case—the one just cited[6]—where a pillory was used. Not a solitary case appears where the offender was caged or condemned to the stocks or ducking stool. The whipping post, however, was in actual use several times, scourging being frequently accompanied by branding and banishment from the city. In 1660 Hendrick Jansen, Claarbout van ter Goos, who is spoken of as a felon, but whose exact crime is not mentioned, was condemned to be whipped, branded, and banished with his wife and children to Virginia, the provincial authorities having given the burgomasters and schepens power to banish from New Netherland as well as from the city.[7]

The record of this case has an additional interest for

[1] *M. C. C.*, vol. ii, p. 244.

[2] *Ibid.*, vol. ii, p. 425.

[3] *Ibid.*, vol. iii, p. 227.

[4] Stow, John A., *Survey of London*, p. 208.

[5] Described as "a strong prison made of Timber . . . with a paire of Stocks therein," *ibid.*, p. 208.

[6] *Cf. supra*, p. 195.

[7] *Rec. N. Am.*, vol. iii, pp. 110, 111, 114.

us, as it shows a method sometimes used by the court for deciding what kind of a sentence it was best to impose. Each one of the seven members of the court was called upon to express his decision, after which sentence was declared. In this case three schepens had voted the prisoner worthy of death, while one schepen had joined the two burgomasters in recommending that he be "whipped and branded and banished," when the seventh man, Schepen Cornelius Steenwyck, was called upon for his opinion. He broke the tie by voting that "he be whipped and branded under the gallows, the halter being around his neck, and banished for ever and sent hence with his wife and children on pain of the gallows; thanking the Magistracy on his bended knees for their merciful and well deserved justice."[1]

In 1662 Reyer Cornelissen, the miller, confessing, after being tortured, to stealing grain, was tied to the stake, scourged, and banished from the city for ten years.[2] Grietje Jans, for her "scandalous, irregular, whorish and evil life and behaviour," must depart the city within fourteen days or three weeks time on pain of bodily correction.[3] Neeltje Pieters, convicted of stealing stockings, was banished for eight years.[4] With a sense of fitness that will appeal to many, a ten-year-old girl, Lysbet Anthony, who confessed to having stolen seawant, was ordered to be whipped with rods by her mother in the presence of the magistrates.[5] All the foregoing penalties were imposed by the Dutch court, and in matters of this kind there is a most striking similarity between the Dutch and English court records.

[1] *Rec. N. Am.*, vol. iii, pp. 110-11.
[2] *Ibid.*, vol. iv, p. 70.
[3] *Ibid.*, vol. v, p. 272.
[4] *Ibid.*, vol. iii, p. 328.
[5] *Ibid.*, vol. iii, p. 315.

There was no departure under English rule from the previous practices, either in determining guilt or in assigning the penalty. For instance, in 1679, John Williams, of Fordham, who did "wickedly and feloniously steale and take away a certain horse" from the farm of Francis Brown, of Stamford, and was found guilty by the jury, was sentenced to be "whipped by the Comon Whiper on the Naked back Thirty Nine Lashes," also to be "burnt on the shoulder" and pay all the charges within ten days, or be transported at the city's discretion.[1] In the same year a "Negro called Danielle," for "drawing his knife ag^t a Burger of this Citty & rideing in a Cart," was condemned to receive "forty Lashes at ye Whipping post."[2] John Baker, another negro, stole a kettle from Carston Leerson's house and "Buoy roaps and Shrowds" from Martin Creger's sloop. He got thirty lashes.[3] Margaret Peters, a mulatto, was banished from the city for theft. She did not remain banished, but returned shortly and did some more stealing. This time she was sentenced to be "Whipt at ye Comon whipen post 20 Lashes on ye bare back" and "be burnt in ye shoulder." Her banishment also was to continue.[4]

Mary, the wife of John Henries, received stolen property and sold it. She had to make good the loss and pay a fine of six pounds to the city; if at any time thereafter she should be found "in the like Error," she was to be "whipped out of the towne."[5]

Thirty lashes upon the bare back "and banishment for one whole yeare and a day" was the sentence imposed on Will Anthony's wife, Margaret, for theft and "Carnall Coppulacon with others than her husband."[6]

[1] *M. C. M.*, May 28, 1679.
[2] *Ibid.*, April 16, 1679.
[3] *Ibid.*, February 15, 1679.
[4] *Ibid.*, September 21 and 23, 1680.
[5] *Ibid.*, January 13, 1680.
[6] *Ibid.*, February 14, 1680.

Andrew Ball, after being in prison some time for "taking a false Oath before the Governor," begged the mercy of the court. As a warning to the public of the seriousness of such an offense, the prisoner was sentenced to "bee on Munday next brought to the whipping post before the Citty hall and there continue to stand with a Paper pinned on his breast mentioning his crime for ye Space of one whole hower."[1]

Michael Hastings, two years later, got quite as much publicity for a far less serious offense, perhaps because he was a "forraigner" from New Jersey. The sheriff had taken him into custody for stealing sheets from the beds in James Matthew's house within the city, two of which sheets were "found upon him." It is not at all improbable that some member of the court remembered seeing Martens with those stolen cabbages on his head twenty-six years before. At any rate, Hastings was sentenced to "be carryed from prison to the Whipping post and there Stand halfe an houre with the Sheets about his Neck and a Rodd under each Arme and to depart this Citty within 24 houres or else to be whipped."[2]

[1] *M. C. M.*, July 31, 1675. Compare with the punishment of a priest in London, described by Stow, *Survey of London*, p. 208.

[2] *Ibid.*, December 5, 1677.

NEW YORK AS AN EIGHTEENTH CENTURY MUNICIPALITY

PART II

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NEW YORK AS AN EIGHTEENTH CENTURY MUNICIPALITY

1731–1776

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TO MY MOTHER

PAULINE E. EDWARDS

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CHAPTER I

Organization of Government under the Montgomerie Charter

In Part One was described the development of the city from quaint New Amsterdam of the seventeenth century into the more populous New York of the eighteenth. The following pages resume the thread of the narrative in the year 1731 and continue the study of the corporation of the city of New York into the momentous year 1776. These dates mark a definite epoch in the history of municipal government in New York. The year 1731 offers an appropriate beginning, for then the city secured the Montgomerie Charter which was to remain in force for over a century. About this time, also, the corporation of New York inaugurated several policies now considered important because of their bearing on the history of municipal development in the United States. We may here mention the levying of direct taxes, the securing of fire engines, and the acquisition of title to full riparian rights around lower Manhattan Island. The year 1776 is of course significant as the close of the colonial period and the date of Independence. Though the city fathers continued to hold sessions until almost the middle of that year, ruthless war soon paralyzed regular municipal administration.

A glance at the history of the mother country shows this to have been a period of notable progress abroad. Customs and policies of former days were rapidly yielding to newer influences. This epoch witnessed the final struggle of the

Stuarts and the establishing of the Hanoverian rulers, the passing of Walpole's peaceful administration and the inauguration of Pitt's imperialistic policy. Then followed the conflict with Spain, the contest of the Austrian Succession and the terrible Seven Years' War. War had then come to girdle the world, for these sanguinary struggles were waged in almost every land and on almost every sea. Out of this time of stress England emerged with her colonial empire secure and with a well-developed naval policy. Important internal changes also occurred. The corruption of Walpole's ministry was slowly giving ground before democratic principles, as seen later in the Wilkes' affair and in the episode of the Junius letters. Social progress of the time is apparent in the work of the Wesleys, of George Whitefield, and of other Methodists, for the uplift of the lower classes, and in the efforts of John Howard for the betterment of conditions in prisons. Improvement in commerce and in industry was also working a profound transformation in England.

These movements were not without their effects upon the municipality of New York. "Bonnie Prince Charlie," the young Stuart Pretender, had followers even in this distant land, although they were rather severely handled by the city magistrates, who on one occasion sentenced a Jacobite to the whipping-post.[1] The European struggles brought into the hearts of New York citizens fear of an attack by French fleets. This fear, caused by the city's exposed situation, is reflected in the *Minutes of the Common Council* in an order of February 19, 1745, "that in Case of Any Emergency that Cannot at present be foreseen by Reason of the City being Attacked by an Enemy Or by Reason of any other Unforeseen Accident, That the Deputy Clerk of

[1] Minutes of the Court of Quarter Sessions, May 8, 1745. Most of the records of this court are in the criminal court building.

this Board Use his best Endeavours to Secure the Records of this City by Removing them to Such place Within this Province as he Shall Think most Safe and proper."[1] The tidings of Braddock's defeat, the loss of Oswego, and the massacre at Fort William Henry shocked the inhabitants, the city having been free from the horrors of Indian warfare since the Dutch period.

Yet such dangers did not check the general progress of the community. Commercial prosperity in those years was creating great family fortunes. The growing movement for wider democracy met with enthusiastic response. British newspapers describing the latest escapades of John Wilkes and the Junius letters printed in pamphlet form were eagerly read by citizens of New York. Although the riotous scenes of the Stamp Act troubles appeared to the staid city fathers to be the result of an excess of democracy, nevertheless the same body ordered the common council chamber to be adorned with a portrait of William Pitt and gave ready permission for the erection of his statue in Wall Street.[2] The influence of Methodism was also felt, for George Whitefield himself preached in New York before large congregations.[3] Nor was progress in culture wanting. King's College was chartered in 1754, while earlier in the same year had been founded the New York Society Library.[4] Lectures on scientific topics, and others illustrated with stereopticon views, entertained the public, even in colonial days.[5] The theatre was also a popular form of

[1] *Minutes of The Common Council of the City of New York* (N. Y., 1905), vol. v, p. 146.

[2] *Ibid.*, vol. vii, pp. 20, 220.

[3] *New-York Weekly Post-Boy*, Dec. 16, 1754.

[4] Keep, *History of the New York Society Library* (N. Y., 1908), pp. 123-147.

[5] *New-York Mercury*, Jan., Feb., 1762.

amusement, and, though the plays were usually of a lighter vein, serious dramatic performances, such as "Cato," "Richard III" and "Romeo and Juliet," were presented.

As a result of these conditions, the years preceding the passage of the Stamp Act marked a relatively high point in the general development of New York, and have been referred to as the "Golden Age" in the history of the city. In this period, according to Judge Thomas Jones, a contemporary historian, "the Colony was extending its trade, encouraging the arts and sciences, and cultivating its lands. Its inhabitants were daily increasing in riches, in wealth and opulence.[1] The growth of the city is indicated by the following statistics, showing population during the years under review:

WHITE AND BLACK POPULATION OF THE CITY OF NEW YORK BETWEEN 1731 AND 1771[2]

YEAR	WHITES	BLACKS	TOTAL
1731	7045	1577	8622
1737	8945	1719	10664
1746	9273	2444	11717
1749	10926	2368	13294
1756	10768	2272	13040
1771	18726	3137	21863

However interesting a study of the social life of early New York might be, we must, in this work, confine ourselves chiefly to a consideration of governmental activity.

[1] Jones, *History of New York during the Revolutionary War* (N. Y., 1879), vol. i, p. 1.

[2] O'Callaghan, *Documentary History of the State of New York* (Albany, 1850), vol. i, pp. 471-474.

In this connection, we shall devote our attention first to the history and working of the Montgomerie Charter, then to the organization of the city government, and lastly to the relations of the municipality with the province of New York.

The last and most important charter of the colonial period was issued to the city of New York by Governor John Montgomerie in 1731. This instrument, which remained in force for over one hundred years, stands as a noteworthy document in the history of American municipal institutions. Chancellor James Kent, in 1836, observed: "It remains to this day with much of its original form and spirit, after having received by statute such modifications and such a thorough enlargement in its legislative, executive and judicial branches as were best adapted to the genius and wants of the people." [1]

Although the city of New York had received several grants prior to 1731, there were good reasons why another was deemed necessary by the prudent city fathers. One was their uneasiness, born of the knowledge that Governor Dongan had granted the first English municipal charter under the proprietary seal of the Duke of York and that Governor Lord Cornbury had issued an instrument only in his own name. A weakness inherent in both patents, therefore, was that neither had been bestowed by grace of the reigning sovereign, and thus they were not in a strict sense royal grants.[2] Another motive for a new charter was a desire on the part of the city authorities to secure a number of additional concessions. These, accordingly, to the number of eighteen were carefully itemized in a petition ad-

[1] Kent, *Charter of the City of New York with Notes* (N. Y., 1851), pp. 212-213.

[2] *Documents Relating to the History of the State of New York* (Albany, 1877-1883), vol. iv, p. 812; vol. v, p. 369.

dressed, under date of August 3, 1730, to Governor Montgomerie.[1] Chief among them were the following:

(1) The extension of the boundaries of the city to four hundred feet beyond low-water mark, on the Hudson and East Rivers, around lower Manhattan Island.

(2) The sole power of establishing ferries and of erecting docks, together with all profits accruing from such enterprises.

(3) A division of the city into seven wards, instead of six, as provided in the Dongan Charter.

(4) Certain judicial powers for the city government, namely that the mayor, recorder and aldermen be constituted justices of the peace, empowered to hear all pleas of forty shillings and under; the same officers also to possess the power of holding a quarter sessions of the peace.

(5) Ordinances of the common council, the legislative body of the city government, to remain in force for a year, instead of for three months, as heretofore.

(6) The mayor to be allowed to select a deputy.

(7) The offices of mayor, recorder, sheriff, coroner and town clerk hereafter to be elective instead of appointive.

All of these proposals, save the right to elect municipal officers, were granted by the governor and his council and were included in the new charter. But the city was not given these valuable considerations gratuitously, for Montgomerie, like most colonial governors, was unaccustomed to bestow favors without remuneration. It was generally known that this governor had voluntarily exiled himself from the Court of St. James's to the "plantations" in order to fill his sadly depleted purse.[2] Therefore, with full

[1] *M. C. C.*, vol. iv, pp. 5-8, 19-22.

[2] Wilson, *The Memorial History of the City of New-York* (N. Y., 1892), vol. ii, pp. 179-180.

understanding of the ways and means of persuading colonial governors, the common council, in April 1730, appointed a committee "to Consider, what further and proper Measures are Needfull to be pursued for Obtaining the Prayer to the said Petition." [1] At the next meeting of the board, the committee submitted its report, which was forthwith approved, with the statement that it was "the Unanimous Opinion of this Court that the sum of fourteen hundred pounds will be Needfull to be provided by this Corporation for Obtaining the said Charter, and it is hereby Order'd that the said Committee do Continue their Applications for Obtaining the said Charter." [2]

During the summer of 1730, Cadwallader Colden, scientist, historian and, nearly half a century afterward, acting executive of the province, was engaged by Governor Montgomerie to survey the proposed grant of 400 feet around lower Manhattan, a task for which he was duly compensated by the corporation.[3] In January of the following year, the common council raised the sum of £1,000 through a mortgage on certain lands, and also authorized an additional loan of £200.[4] Coincident with this financial move, Richard Bradley, attorney general of the province, reported to the governor that he "had perused the Charter and found nothing therein prejudicial to the interest of his Majesty." [5] Therefore on February 11, 1731, the charter was delivered with great ceremony to Mayor Robert Lurting by Governor Montgomerie in person.[6] For these services

[1] *M. C. C.*, vol. iv, p. 9.

[2] *Ibid.*, p. 11.

[3] *Ibid.*, p. 24.

[4] *Ibid.*, pp. 34-35.

[5] *The Colonial Laws of New York* (Albany, 1894), vol. ii, pp. 575-639. This volume contains a copy of the Montgomerie Charter. The original is deposited in the New York Public Library.

[6] *M. C. C.*, vol. iv, pp. 39-41. As the charter was formally delivered to the corporation on this date, it is preferable to consider 1731, rather than 1730, as the year of the granting of the charter.

the attorney general received from the grateful corporation a substantial fee.[1] Regarding the £1,000 raised by mortgage, we must admit that there is no direct evidence as to how it was used. One may readily imagine, however, that this tidy sum might well have been regarded as a quiet thank offering by a gratified corporation to the official who was publicly honored for all time to come in the bestowing of his name upon the new charter.[2]

Although Montgomerie nominally granted the charter, its validity was open to some question. To the document was affixed the great seal of the province, and it bears the signatures of Secretary Frederick Morris and Attorney General Richard Bradley, but it was never signed either by the governor or by the British sovereign. This manifest defect was appreciated both by the municipal and by the provincial officers. In an endeavor to strengthen the legality of their grant, the aldermen and assistants in 1732 secured from the provincial legislature an act confirming all rights and privileges of the corporation. This act was declared "effectual in the Law against the Kings Majesty, his heirs and Successors."[3] When Governor William Cosby, the successor of Montgomerie, sent this law to the Board of Trade in England, he took the opportunity to assail the charter. By the granting of the water-front to the municipality, he argued, "his Majesty's prerogative & interest may be in danger of suffering, and his ships stationed here under a necessity of becoming petitioners of the Corpora-

[1] *M. C. C.*, vol. iv, pp. 38-39.

[2] Furman, *Notes, Geographical and Historical relating to the Town of Brooklyn, on Long-Island* (Brooklyn, 1865), pp. 24-25. See also a pamphlet entitled *An Examination of the Validity of the pretended Charters of the Cities (sic) of New York* (Brooklyn, 1852), p. 26.

[3] *Col. Laws*, vol. ii, pp. 752-753. See difference between royal and parliamentary charters in England. Dillon, *Commentaries on the Law of Municipal Corporations* (Boston, 1911), vol. i, pp. 79-80.

tion for a convenient place to careen or refit." [1] The Board of Trade ordered a copy of the charter sent to England, but no action seems to have been taken in the matter.

Not even this confirmation by the provincial legislature satisfied the city authorities. They finally sought ratification from the king himself. Here Governor Cosby thwarted them by advising against confirmation, and no royal assent was apparently ever given either to the charter of Governor Montgomerie or to the confirmatory act of the general assembly.

In later years the legality of the Montgomerie Charter was the subject of active discussion, especially when the limits of the riparian rights of the city were questioned.[2] This subject was carried before the courts on more than one occasion, until finally the supreme court of the State of New York decided that the "signature of the king or governor to a patent or grant emanating from the crown was not necessary to its validity."[3]

Except for this omission of the royal signature, the Montgomerie Charter was similar in form to that of any grant to an English "borough" in the eighteenth century.[4] Following British precedent, the title of incorporation was "the Mayor, Aldermen and Commonalty of the City of New York." Thus was formed a body politic, composed of the municipal officers and of a limited number of per-

[1] *N. Y. Col. Docs.*, vol. v, p. 956.

[2] Stiles, *History of the City of Brooklyn, etc.* (Albany, 1863), vol. iii, p. 524; *Municipal Gazette*, June 24, 1846.

[3] Bogardus *vs.* Trinity Church, 4 Sanford, ch. rep. 735. Judge Murray Hoffman holds that the "governor was authorized to grant and convey, and the great seal of the province was the evidence of the transfer." *Treatise upon the Estate and Rights of the Corporation* (N. Y., 1862), vol. i, p. 26; also appendix, p. xviii.

[4] See article by Fairlie in *Municipal Affairs*, vol. ii, pp. 341-381.

sons known as "freemen" and "freeholders," who accordingly constituted the municipal corporation.[1]

The most important member of this corporation was the mayor, who, according to the charter, was annually appointed by the governor of the province on September 29. It was customary to reappoint an efficient mayor, so that his tenure in the later English period averaged seven consecutive years of service.[2] It was also the practice of the governor to choose an alderman for the position; consequently the occupants of the mayor's chair were usually well acquainted at the start with the machinery of municipal government. Moreover, the incumbents of the mayoralty, between 1731 and 1776, were almost always men of wealth and of good social standing. The mayor was removable during his term of office only by order of the governor, but no occasion for such action arose within this period. Although in many municipal corporations the presence of the mayor has been necessary for a legal meeting of the law-making body, this was not true of the common council of New York. The mayor possessed the power to vote in case of a tie, but he had no right to veto acts of the common council.[3]

The duties of the mayor's office were not extensive. Appropriations ordered by the common council were paid from the city treasury through his warrant. The mayor's power of appointment was relatively limited, for he was permitted to fill only minor positions such as those of mar-

[1] The qualifications of the "freemen" are described in the chapter on "Trade and Industry."

[2] The following statements concerning the organization of the city government are based mainly on a study of the *Minutes of the Common Council.*

[3] *Ibid.*, vol. v, pp. 190, 195, 340. See status of mayor as member of council. Dillon, *op. cit.*, vol. ii, pp. 834-838.

shals, porters, cartmen, cullers, criers and scavengers. He was also empowered to "Displace all or any of them and to put others in their room." [1]

The mayor, ex officio, had several other powers of importance, particularly that of granting tavern-keepers' licenses and those attaching to the offices of clerk of the municipal markets and "water bailiff." The liquor licenses netted a large revenue, and in 1736 there arose a prolonged controversy as to whether the corporation or the mayor was entitled to the receipts.[2] Mayor Paul Richard retained the sums which he had collected, but his action was roundly denounced by his official associates, who claimed that the charter placed all such revenue at the disposal of the common council. John Cruger, the elder, who succeeded Richard as mayor, continued to assert the same right, although it is difficult to suppose that he was prompted by avarice, since he was a wealthy and highly respected member of the local merchant aristocracy.[3] The same issue continued to be disputed until 1759, when the corporation filed a bill in the chancery court against the estate of its late mayor, Edward Holland, "for fees by him Received for the Issueing of Lycenses Granted to Retailers of Strong Liquors within this City during his Mayoralty." [4]

About the same time that the common council was trying to deprive Mayor Richard of fees received from granting liquor licenses, it was also demanding the sums collected by him as clerk of the market. In this capacity, the mayor had been accustomed to collect a small fee for every head of cattle that was slaughtered, and also for sealing weights used in the city markets. The attempt to deprive the mayor

[1] *Col. Laws*, vol. ii, p. 619.

[2] *M. C. C.*, vol iv, pp. 317-318.

[3] *Ibid.*, vol. v, pp. 116, 323.

[4] *Ibid.*, vol. vi, p. 190. A search of court records in Albany and in New York City failed to disclose the papers relating to this case.

of these collections was scarcely defensible, for the Montgomerie Charter expressly conferred upon him full "Authority to do and Execute . . . whatsoever to the Office of Clerk of the Market there doth Shall or may belong without any hindrance." [1] Despite this clause, an ordinance was passed in November, 1735, forbidding the mayor "to Intermeddle with the Receipt of any Dutys, Fees or Profitts, or take any money of any Butchers, or any Other persons," save for sealing weights and measures.[2]

Every mayor, in turn, stoutly attacked this ordinance, but the common council continued to reënact it, and occasionally the dispute reached the courts.[3] The controversy dragged on until, by 1760, the corporation found itself seeking settlement with the estates of three deceased mayors.[4] A compromise was finally effected, whereby one-half of the money collected by former mayors was ordered returned, and an explanatory clause to the city charter was sought to avoid future difficulties.[5] The entire subject of licenses was eventually adjusted, by allowing the mayor a fixed sum of £125 a year, as a perquisite of his office.[6] In addition, he was permitted to retain four shillings for every liquor license issued.

The mayor also held the office of "Bailif and Conservator of the water of the North and East Rivers." [7] This title was similar to that bestowed upon the mayor of any

[1] *Col. Laws*, vol. ii, p. 618. [2] *M. C. C.*, vol. iv, pp. 291-295.

[3] *Ibid.*, vol. v, pp. 281, 325; vol. vi, p. 96.

[4] *Ibid.*, p. 209. [5] *Ibid.*, p. 262.

[6] *Ibid.*, pp. 359-360. The office of clerk of the market was finally separated from that of mayor by an act of April 9, 1813; ch. 86, sec. 168. Kent, *Charter of New York*, p. 251. A similar controversy between mayor and council occurred in Albany. Munsell, *Collections of Albany*, vol. i, p. 142.

[7] *Col. Laws*, vol. ii, p. 618.

port town in England, and was merely nominal. The duties of the position may be likened to those exercised by customs and quarantine officers. This would mean, of course, the searching of all incoming vessels, but in New York this power was seldom exercised by the mayor. He did act in this capacity on the occasion of a smallpox epidemic, when he supervised the medical inspection of vessels hailing from infected ports.[1] In general, however, the mayor failed in his duties as water bailiff, and we find frequent criticism of his inactivity in this field.[2]

In case of the mayor's death, absence, or inability to serve, his powers could be fully exercised by a deputy mayor, who was an alderman appointed annually to this office by the mayor with the approval of the governor. This deputy might continue a session of the common council after the departure of the mayor, might issue warrants upon the treasury in his own name, could appoint important municipal officers, even such as "high constable," and could administer oaths of office to members of the corporation.[3]

The recorder, as in the early years of English rule, continued to be an important officer of the city government. His tenure of office, however, became less secure in these later days, characterized by violent political controversy. This is illustrated by the case of Daniel Horsmanden, who was appointed to the position of recorder by Governor Cosby, in 1735, as a reward for his adherence to the government party.[4] When, later, he joined the opposition to

[1] *M. C. C.*, vol. iv, pp. 429-430.

[2] *The Independent Reflector*, Dec. 28, 1752.

[3] *M. C. C., op. cit., passim.* These powers, in a general way, were vested later in the president of the board of aldermen. Kent, *op. cit.*, p. 217.

[4] *M. C. C.*, vol. iv, pp. 255-256.

Governor George Clinton, he was summarily removed from office.[1] A lawyer was always selected as recorder, since the functions of the office were mainly legal and judicial in nature. He acted as corporation counsel, giving legal advice to the city officers, drafting ordinances, aiding in the revision of municipal by-laws, and in 1730 preparing a new charter.[2] As the corporation could "sue and be sued," it was the duty of the recorder to prepare the cases of the city for presentation in the provincial courts.[3] He was also a member of the common council, and, as such, possessed extensive powers. In the absence of the mayor, he could convene the municipal board, preside at its sessions, swear in city officers, issue orders on the city treasury in his own name, and could, in fact, exercise all the powers of the chairman. The recorder generally took an active part in both the debating and the voting at board meetings.[4] He served also on committees appointed for various purposes, such as to suppress gambling houses, to discharge corporation bonds, to settle election disputes.

Moreover, the office of recorder at times brought the municipality into closer contact with the provincial government, inasmuch as a governor appointed in several instances a member of his own council. This was true in the case of Francis Harison, Daniel Horsmanden and John Watts. all of whom were also members of the governor's council during their terms of office as recorders.[5]

[1] *Col. Docs.*, vol. vii, p. 528. [2] *M. C. C.*, vol. iv, pp. 9, 47, 272.

[3] *Ibid.*, pp. 303-304.

[4] As stated above, the deputy mayor might also act as chairman; apparently there was no fixed rule of procedure, for we find instances of the recorder presiding with the deputy mayor present, and *vice versa*. *Ibid.*, vol. v, pp. 43, 46.

[5] See *infra*, p. 39.

Because of this peculiar two-fold position, it was within the power of the recorder to affect materially the interests of the corporation. On more than one occasion his influence with the provincial authorities warded off attacks upon corporate rights of the city, or saved it from hostile legislation. However, it must be borne in mind that the recorder was in a way a representative of the provincial government in the common council; and his fellow members in that body on several occasions manifested suspicion of his good faith. It should not, therefore, be astonishing to find that the recorder was often an object of attack by the common council. A charge of falsely imprisoning a citizen was brought against one recorder. The common council made several attempts to reduce the powers of the recorder and to abolish the perquisites of his office. In 1765 the question arose as to whether he possessed the right to vote in the common council in the presence of the mayor, and it was submitted to the opinion of three leading attorneys.[1] One of them, William Smith, Jr., denied that the recorder had a vote when the mayor was present.[2] Another, John Morin Scott, held that this right was vested in the office by charter, but qualified his opinion with the suggestion that a test case be brought, that the question might be decided by the courts. The third, William Livingston, supported the recorder unconditionally. On the basis of these reports the common council permitted the recorder to retain the full right to vote. The board was successful, however, in depriving the recorder of certain fees of his office. In the past he had been permitted to collect six shillings from persons admitted as "freemen" of the corporation. But in 1750, and again in 1769, the corporation repealed the

[1] *M. C. C.*, vol. vi, pp. 408-409. [2] *Ibid.*, pp. 424-426.

ordinance granting him this privilege, thereby depriving the recorder of a very profitable source of income.[1]

Another busy officer of the city government was the "common clerk." As town clerk, he recorded the minutes of the common council and of the city courts, sent petitions to the provincial government, and filed reports of the tax-collectors.[2] In addition to keeping the municipal court records, he also served as court stenographer. As the business of the corporation expanded, it became impossible for one person to perform all its secretarial work; so the clerk was permitted to choose deputies.[3] Like the recorder, this responsible officer was appointed by the governor and held office during good behavior.[4] As a matter of practice, the term of the town clerk was long; from 1692 to 1776, a period of eighty-four years, only three incumbents held this office. William Sharpas served from 1692 until his death in 1739, when he was succeeded by John Chambers, gentleman, later a judge of the supreme court.[5] The latter resigned in 1753, and was succeeded by Augustus Van Cortlandt, who remained in office until the outbreak of the Revolution.[6]

The aldermen and assistants were chosen annually by the voters of the city. The principle of direct representation was maintained, each of the seven city wards electing one

[1] *Ibid.*, vol. v, p. 284; vol. vii, p. 147. By an act of April 7, 1830 (ch. 122, sec. 16), the recorder ceased altogether to be a member of the Common Council, and became exclusively a judicial officer. Kent, *op. cit.*, p. 217.

[2] *M. C. C.*, vol. iv, pp. 130-131.

[3] *Ibid.*, vol. v, pp. 212, 331, 353.

[4] *Col. Laws*, vol. ii, p. 624.

[5] *M. C. C.*, vol. i, p. 286; vol. iv, p. 479. Biographical sketches of the clerks are contained in Valentine, *Manual of the Corporation of New York* (1860), pp. 608-610.

[6] *M. C. C.*, vol. v, pp. 402-404.

alderman and one assistant. Both were obliged to be residents of the ward from which they were returned. They were, therefore, directly responsible to their constituents, and were expected to defend the interests of their respective wards on every occasion.

The aldermen and the assistants, together with the mayor and the recorder, formed the municipal legislature known as the common council. The assistants were often known as "common councilmen," and, with the exception of petty formalities, they possessed legislative rights similar to those of the aldermen. The title of "Esquire" was omitted after their names, and they were not permitted to sit with the mayor, recorder, and aldermen as magistrates. The meetings of the common council were usually held in the City Hall, although at times it adjourned elsewhere. For leasing municipal ferries or selling public lands, the board often convened at a tavern or coffee-house. Although the common council did not meet at stated times, it was customary for it to assemble about every fortnight. In later years, when the expenditures became heavier, the common council met on the first Wednesday of every month, to issue warrants for the payment of the corporation's debts.[1] The aldermen attended meetings far more regularly than did the assistants. To check tardiness and absence, the common council ordered

that Every Member of this Board who Shall hereafter be Summoned to attend after notice given to him or to some white person of the family and who shall not attend within half an hour after the ringing of the Bell Shall forfeit two Shillings and Six pence and if he shall not attend at all that day after such Summons Shall forfeit five Shillings to be paid to the Clerk of this Board.[2]

[1] *M. C. C.*, vol. vii, p. 245.

[2] *Ibid.*, vol. v, pp. 218, 287.

Later the time limit for tardiness was reduced to one-quarter of an hour, after which a member was fined one shilling; a penalty of two shillings was applied for absence without reasonable excuse.[1]

Under the wording of the charter, the members of the common council were given power to "make and Establish from time to time all Such Laws Statutes rights Ordinances and Constitutions which to them . . . Shall Seem to be good usefull or necessary for the good rule and government of the body corporate."[2] Still, the municipality was not given general powers of legislation, for the charter subjected the common council to several limitations. Its ordinances must not be repugnant to the laws either of England or of the province. Besides, all by-laws of the common council remained in force for but one year unless confirmed by the governor and council of the province. Nevertheless it appears that the corporation did not seek the approval of the province for its ordinances, preferring instead to reënact them as a whole every twelve months. This was done merely by reciting the titles of the by-laws and ordering their continuation for another year. Through this formality one intended check upon municipal legislation was rendered ineffectual.

The nature of ordinances enacted by the common council will be treated more fully in succeeding chapters on municipal administration. In general, we may here characterize the major part of these ordinances as "police" legislation in the broad sense of this term. Among them, we find rules "for the better prevention of fire," "regulating negroes, Mullattoes and other slaves," "preventing nuisances in streets," prohibiting peddlers, restraining the selling of liquor to soldiers, and relating to similar matters. The regulation of business relations also formed a subject

[1] *M. C. C.*, vol. viii, p. 35.

[2] *Col. Laws*, vol. ii, p. 610.

of deep interest, and explains the passing of many enactments regarding public markets, slaughter-houses, and docks, as also the sale of hay, wood and foodstuffs.

The right of appointment, with the exception of the officers whom the mayor and the governor selected, was vested in the common council. It possessed absolute power to choose, or to dismiss at will, inspectors of flour and other foodstuffs, measurers of grain, gaugers of liquors, beadles, "watchmen" (policemen), court attendants, and keepers of municipal institutions for charities and correction.[1]

The common council by charter was vested with extensive administrative powers, due to what may be termed its committee system. Small groups of its members were appointed to direct the exercise of various functions. There were committees for auditing the accounts of the treasurer, for arranging terms of lease of municipal properties such as ferries, docks and markets, and for superintending public improvements such as paving of streets, erecting a new jail, repairing the City Hall, and constructing water works. At first, these committees were chosen indiscriminately, but after 1750 the common council formulated "a Standing Rule of this Board that whenever a Committee shall be appointed for the future for any matter or thing to be done in any of the wards of this City that the alderman of such ward shall be Chairman of such Committee."[2] This regulation was generally observed; for, directly after election day, if changes in the personnel of the board had occurred, the new aldermen and assistants were appointed to all committees on which outgoing members from the same wards served.

The extensive judicial powers which the corporation had inherited from its prototype, the English borough, were

[1] *Col. Laws*, vol. ii, pp. 614-615.

[2] *M. C. C.*, vol. v, p. 304.

continued during the later colonial period. The "Mayor's Court" and the "Court of General Quarter Sessions," as described in the chapter on the earlier period, constituted the municipal tribunals, the former hearing civil cases, the latter criminal.[1] As the composition and jurisdiction of these two courts have been fully explained in the preceding volume, it is necessary for us to note only those changes introduced after 1731.

In 1732 the provincial legislature passed an act "for the speedy punishing and releasing Such persons from Imprisonment as shall Commit any Criminal offences in the City of New York under the Degree of Grand Larceny."[2] Heretofore offenders unable to furnish bail, pending trial in general quarter sessions, were detained in the city jails—at the expense of the corporation it is true, but "at the same time their long Imprisonment . . . [was] a great damage to many of their families, who wanted their Labour to support them". Such a policy having proved burdensome to the government as well as to the individual, it was provided that the mayor, deputy mayor, or recorder, sitting with any two magistrates, should constitute a court to determine the punishment of an offender who failed to produce bail forty-eight hours after having been apprehended. If convicted, the criminal received corporal punishment at the hands of the "publick whipper" and was ordered to leave the city within two days.

Still another change in judicial procedure was ordained by the general assembly. As the mayor's court was exclusively a municipal tribunal, the Montgomerie Charter had given the justices the right to designate, with the approval

[1] Daly, *Historical Sketch of the Judicial Tribunals of New York from 1623 to 1846* (N. Y., 1855). Succeeding chapters contain cases illustrating the jurisdiction of these two courts.

[2] *Col. Laws*, vol. ii, pp. 766-768.

of the governor, those who might practice before them. If the governor concurred, the court could also remove any lawyer for misbehavior. As a result, a monopoly of the legal business was created by limiting the number of attorneys. These restrictions naturally proved irksome to the other lawyers in the province.[1] After an appeal to the general assembly in 1746, it was enacted, over the protest of the corporation, that all attorneys practicing in the supreme court might exercise the same right in the mayor's court.[2]

The popular attitude toward the judiciary in colonial times was apparently unfriendly. A broadside from the press of John Peter Zenger in 1734 contained the following caustic reference to the partiality of the courts for the upper class: If "any great Man should draw his Indignation, and whip you through the Lungs; or with a stone or Brick-Batt knock your Brains out, [and] he should be presented by the Grand Jury, Pray what Notice would be taken of it? If we may guess at what will be, from what has been; I believe very little."[3] Under date of September 13, 1752, the *Independent Reflector*, a weekly paper edited by persons of liberal political ideals, contained a sharp criticism of those justices "who stand in more Awe of a Band of Carmen [cartmen] than of an armed Host; because that proceeds not so much from natural Timidity, as a more political Reason." Indeed, it is little wonder that prudence dictated the acts of the magistrates, since they were under the necessity of seeking votes every fall in order to remain in office.[4]

[1] *Journal of the Votes and Proceedings of the General Assembly of the Colony of New-York* (N. Y., 1764), vol. i, p. 627.

[2] *M. C. C.*, vol. v, p. 165; *Col. Laws*, vol. iii, pp. 546-548.

[3] Broadside, dated Sept. 8, 12, 1734, in N. Y. Pub. Library.

[4] Contemporary criticism of the courts is also contained in the *Post-Boy*, March 5, 1750; *Mercury*, Feb. 21, 1755.

Thus far we have considered only the internal features of the city government. But we must remember that as an eighteenth-century municipality it was merely an agent of the provincial government, devised, as Goodnow aptly says, "for the discharge of those functions interesting the state government which demanded local treatment." [1] It is therefore always necessary to be mindful of this dependent position of a municipal corporation as we view its relations to the provincial government.[2] The provincial legislature, it seems, possessed a certain amount of control over municipal affairs, the Montgomerie Charter itself being embodied in the colonial laws. Moreover, the act which it passed in 1732, confirming the grant of Governor Montgomerie, is referred to as "a general and publick Act of Assembly." [3] We observed an exercise of the general assembly's power above, in the act permitting attorneys of the supreme court to practice in the mayor's court. The statute concluded with the statement that this change in judicial procedure was effective, "Notwithstanding the Charter of the said City, and the Act of the Governour, the council & General Assembly of this Colony for confirming the Same."[4]

A number of provincial acts supplementing the city charter will be cited under appropriate headings in later chapters. It will be shown that the police power of the municipality was affected by provincial acts ordering non-inflammable material for roofs, and determining the number of firemen and fire engines in the city. The repairing of pumps and wells, the maintenance of roads within the city limits, the erecting of bridges, the rates to be charged on

[1] *City Government in the United States* (N. Y., 1904), p. 35.

[2] Dillon, *op. cit.*, vol. i, pp. 57-60. In New York the control over local administration was more extensive than in New England. Fairlie, *Centralization of Administration in New York State* (N. Y., 1897), pp. 11-12.

[3] *Col. Laws*, vol. ii, pp. 752-753.

[4] *Ibid.*, vol. iii, pp. 547-548.

the ferries, all were included within the scope of provincial legislation. The corporation was especially dependent upon the legislature of the province in financial matters. With the expansion of municipal activity, the need of sufficient income became a very pressing problem, and the only solution lay in direct taxation.[1] But as this power was not inherent in the corporation, it was under the necessity of petitioning the general assembly whenever it decided that a tax on real or personal property was needed to meet municipal expenses.

Although many of these acts amplified the powers of the corporation, provincial legislation, of a nature decidedly hostile to the city, was frequently attempted. Bills against the interests of the corporation were at times proposed, but for various reasons failed to pass both chambers of the legislature. An explanation of this hostility and also of the defeat of unfriendly acts lies in the political organization of the provincial legislature. This body consisted of two houses, the assembly, whose members were elected by popular vote, and the council, appointed by the crown. In the former the city had but four representatives out of a total of twenty-seven. Its political power was further limited after 1745. Until this year, assemblymen of the rural counties would occasionally take up residence in New York, in order to be near the seat of government, and, according to the British practice of representation, a resident of the city might serve as a member from an outside district. The house, however, refused to accept this theory in the case of Edward Holland, elected to the assembly from the township of Schenectady, and he was rejected on the ground of being a non-resident.[2]

[1] See chapter ix.

[2] *Journal of the Legislative Council of the Colony of New-York* (Albany, 1861), vol. ii, p. 1706. Smith, *History of the Late Province of New-York* (N. Y., 1830), vol. ii, pp. 92-93.

The animosity toward the city was centered mainly in the counties around Manhattan, namely, Westchester, Richmond, Kings and Queens. The extent to which this enmity was carried will be shown in succeeding chapters in describing the attempts of Westchester to nullify ordinances regulating city markets, of Richmond to alter prices fixed by the common council, and of Kings actually to repeal the charter. In brief, the feeling was due to the constant clash between the agricultural interests of the province and the commercial element resident in the city.

The unfriendly attitude of the rural districts manifested itself especially in apportioning direct taxes among the several counties. Although statistics as to the amount of taxable wealth throughout the province are not available, still several interesting conclusions regarding the equity of the distribution of taxes may be derived from a comparison of the population and quotas of the city and the province. From figures presented above it is evident that the city of New York contained considerably less than one-fifth of the total number of inhabitants of the province—a ratio which remained relatively constant throughout the later colonial period. But in decided contrast to this was the city's ever-rising quota of provincial taxation. For a time the assignment to the city varied from one-fifth to one-fourth, but gradually one-third came to be regarded as its regular portion.[1]

The tendency of the legislature thus to transfer the burden of provincial taxation to the city caused considerable adverse comment. William Smith, the historian, remarked that "the members for the metropolis always complain of the intrigues of the country gentlemen, in loading their

[1] *Jour. Leg. Coun.*, vol. ii, pp. 915-917. Schwab, *History of the New York Property Tax* (Baltimore, 1890), p. 59.

city with a third part of the public burdens, for the ease of their own counties." [1] Regarding the equity of this assignment, we have the statement of the upper house of the provincial legislature, "that no one can be of the opinion that the Real & personal Estates of the Inhabitants of the City & County of New York do amount to near one third of the value of Real & personal Estates of the whole Province." [2]

At times the portion of the city's taxes even exceeded one-third. In 1744 the quota required of the city was £1,569, almost one-half of the entire levy, and the only justification for this exorbitant proportion was that the money so raised would be spent in erecting defenses for the city. Two years later, the lower house, in distributing the quotas for a tax of £10,000, endeavored to saddle forty-four per cent of it upon the city, but the plan was defeated in the upper chamber.[3]

In the struggle against the rural interests, the city's representatives generally found political allies in the members from Albany. Commerce and trade formed the leading occupations in both New York and Albany, and occasionally their representatives pooled votes in efforts to resist aggression on the part of the agricultural counties.[4] New York citizens eagerly sought this assistance "against the unmanly and ill-policied envy of lower counties." [5] Both cities, moreover, were exposed to attacks from foreign

[1] Smith, *op. cit.*, vol. ii, p. 97. *Jour. Leg. Coun.*, vol. ii, p. 1706.

[2] *Ibid.*, vol. ii, p. 916.

[3] *Jour. Assemb.*, vol. ii, pp. 95-99, 101, 109-110. *Jour. Leg. Coun.*, vol. ii, pp. 916-917.

[4] Spencer, in the *Political Science Quarterly*, vol. xxx, pp. 420-423.

[5] Broadside addressed to "The Representatives in General Assembly, for the City and County of New York," under date of Feb. 1774, in Library of N. Y. Hist. Society.

enemies, and it was therefore to their common interest to see that suitable appropriation for defense should be made by the assembly. Being more or less protected from invasion by the buffer counties of New York and Albany, the interior districts usually voted against large military budgets. Again New York and Albany were both incorporated cities. Therefore attacks upon the vested rights of one might react unfavorably upon the charter and franchises of the other.

This alliance, however, proved too weak to defeat hostile legislation in the assembly, and the only recourse lay in the governor's council, which possessed in general the power of rejecting bills coming from the assembly. Referring to the general apportioning of taxes, William Smith, the contemporary historian, wrote that "but for the fears [of the members of the assembly] of losing their bills in the council, which is generally composed of citizens of influence, a still greater share would fall upon the small island forming the city and county of New York." [1] A bill of the assembly concerned with the ferry across the East River did not become law, because the upper house deemed it a violation of the chartered rights of the corporation.[2] Several other bills regulating the municipal markets and the sale of hay and wood, which were defeated in the council after passing the assembly, will be described in the chapter on "Trade and Industry."

Why did the governor's council exhibit this friendly attitude toward the corporation? It may have been indirectly the result of the action of the city in allowing the council the use of a room in the City Hall for its deliberations. There, for the most part, its meetings were held. We see, therefore, how very convenient it was for Alderman

[1] Smith, *op. cit.*, vol. ii, pp. 97-98.

[2] See chapter viii.

Simon Johnson, for instance, to meet Councilor Cadwallader Colden and to persuade him to vote against a particularly obnoxious bill from the assembly. Another reason was that, out of a total membership of ten, several of the active councilors generally were residents of the city. Certainly Manhattan members could attend more regularly than those residing at a distance. At all events, it is a significant fact that some members of the common council always had seats in the governor's council.[1]

The governor, as well as the legislature, exerted considerable control over the corporation, since he appointed the mayor, the recorder, the town clerk, the sheriff and the coroner. Without referring in detail to events connected with provincial politics, it may be said in brief that the relations between the provincial executive and the city were generally harmonious.[2]

Considering, lastly, the relations between the city and the provincial judiciary, we are further impressed by the dependent position of the municipality. Organized as a corporation before the law, it could sue and be sued without reservation.[3] The supreme court on one occasion dealt severely with the common council, when the latter passed an ordinance defining the uses of the city seal.[4] This was really a direct attack upon Mayor Paul Richard, an appointee of Governor Cosby. The latter lost no time in having suit brought against the corporation in the name of

[1] We may cite particularly the following individuals: Mayors, Stephen Bayard, Edward Holland; Recorders, Francis Harison, Daniel Horsmanden, John Watts; Aldermen, Philip Livingston, John Moore, Oliver De Lancey.

[2] Apparently the only exception occurred in the administration of William Cosby.

[3] Parchment rolls of actions in which the city was a party have been carefully filed in the county clerk's office and are now accessible.

[4] *M. C. C.*, vol. iv, pp. 264-265.

the king, on the ground that the particular ordinance was "Conceived to be unreasonable and against Law." [1] The common council was formally notified of this action before the supreme court, and, knowing what to expect from a judiciary controlled by Governor Cosby, it hastened, at its next session, to rescind the ordinance.[2] When the corporation appeared before the bar of justice, it was thus able to plead that it had rendered "null and void the By Law therein mentioned." [3]

Direct nullification was not the only means used by the supreme court to influence the corporation. Following a serious epidemic of yellow fever, due to a laxity in enforcing ordinances on public sanitation, the corporation was indicted and prosecuted in the supreme court for "Sundry Nuisances." [4] The members of the common council were considerably agitated over the action of the court and lost no time in enacting regulations to remove the objectionable conditions.[5]

The indictment of the Oswego Market, the property of the corporation, may be cited as another illustration of judicial interference. This building, it was claimed, was obstructing traffic on Broadway.[6] Negotiations on the part of the common council failed to save the old market and the sheriff demolished it by order of the court.[7]

Lastly, in the case of Hendrick Remsen *vs.* Mayor, Aldermen and Commonalty of the City of New York, the supreme court decided against the defendant, with the re-

[1] *M. C. C.*, vol. iv, pp. 288-289.

[2] *Ibid.*, pp. 290-291.

[3] *Ibid.*, pp. 303-304.

[4] *Ibid.*, vol. v, pp. 111-112, 116.

[5] *Ibid.*, pp. 113-114, 118-121.

[6] *Ibid.*, vol. vii, pp. 259-260.

[7] Minute Book, Supreme Court of Judicature, Jan. 17, 1771, Hall of Records.

sult that the municipality lost its valuable monopoly of ferries across the East River.[1]

We may now briefly summarize the chief features of the relations between city and province. Municipal home rule, in the theoretical sense of the term, did not exist. As we have seen, the lower house of the provincial legislature was invariably antagonistic, at least where the interests of the city were in conflict with those of the rural counties. On occasions the provincial judiciary also interfered in local administration, but the governor and his council were generally friendly in their attitude.

[1] See chapter viii.

CHAPTER II

Political Aspects

The preceding chapter has dealt with the organization of the city government as it existed in the later colonial period. In that description, little consideration was therefore given toward showing how the actual working of that government was influenced by current political conditions. The city of New York, in colonial times, occupied a place of general importance in the political as well as in the commercial affairs of the British colonies.

Annual municipal elections were rare in British America, being held only in Philadelphia, Albany and New York.[1] In the last-named especially, they were very important, perhaps as much so as they are today. The larger questions of municipal politics, in which we are naturally interested, are the extent of the suffrage, the conduct of elections, and the influence of economic and denominational interests upon the voters.

As explained in the previous chapter, all members of the common council, except the mayor and the recorder, were elected officers. It is indeed astonishing that the charter granted to the corporation by Governor Dongan contained such liberal provisions regarding suffrage, at a time when King Charles II was attacking the municipal privileges of London, and vacating the charters of numerous English boroughs.

[1] McKinley, *Suffrage Franchise in the Thirteen English Colonies in America* (Phila., 1905), pp. 222-223, 298. Bishop, *History of Elections in the American Colonies* (N. Y., 1893), p. 215.

The vote in municipal elections was granted to "freeholders" and "freemen" of the city. The former were those who possessed estates in the city valued at over £40; the latter were residents of the municipality enrolled as members of the commonalty who plied a specific occupation.[1] These qualifications were not rigidly observed and caused endless dispute at the polls for many years until, in 1771, the provincial legislature passed a law which finally established definite regulations.[2] According to this statute, the electors in each ward were to be qualified one month before election day in order to vote. At that time the freeholder must claim ownership of property in the ward, and a freeman residence. Besides, the freeman was also required to have his "freemanship" three months before election day. In the early years the number of freemen remained comparatively small, as the corporation of the city of New York was not very liberal in granting the freemanship. But after the middle of the eighteenth century, when a wave of democracy swept the entire province, this policy was reversed, and in consequence suffrage was considerably extended. We are told that in 1765, in one day alone, "at the Mayor's Court, 216 Inhabitants of the City took up their Freedom, and it is supposed that there were as many more ready to apply for it; but the Court being tired, and not having Time for it, adjourned for 4 Weeks."[3] At the provincial elections held in 1769 for the assembly, 506 voted as freeholders, 602 as freemen, and 407 as both freeholders and freemen.[4]

[1] *Col. Laws*, vol. v, p. 229. The position of freeman is explained in the chapter on "Commerce and Industry."

[2] *Col. Laws*, vol. v, pp. 229-236.

[3] *Mercury*, Oct. 7, 1765.

[4] *Copy of the Poll List of the Election for Representatives for the City and County of New-York . . . in the year of our Lord MDCCLXI.*

A nice question here arises regarding the municipal suffrage rights of a freeholder, *i. e.* whether he was privileged to vote in more than one ward provided he owned property to the value of £40 in other wards. Such plural voting was permitted by the province; in fact, the polls in the election of members to the assembly were kept open for several days to allow country residents, owning property valued at over £40, to reach the city in time to cast their votes for city members.[1] In thus giving a property owner more than one vote, the province was merely following English custom of plural voting. In the election of aldermen and of assistants, however, we cannot be sure that this was the case. Though the contemporaneous data before 1771 are somewhat confusing, they leave the impression that in the city no freeholder was supposed to have more than one vote. On this subject the language of the Montgomerie Charter is not very clear, merely stating that the vote shall be given to "the ffreemen of the Said City being Inhabitants and the ffreeholders of Each respective ward in the Said City."[2] We have evidence that on one occasion in the early years of our period, voting by a property holder outside of his own ward was the object of special criticism and called forth comment from one of the local newspapers.[3] There is little doubt as to the practice which was followed after 1771, for the provincial statute of that year defined the manner of conducting elections in the city, and required every freeholder and freeman to swear that he had "not been before Polled at this Election."[4] That this law once and for all established the principle of "one man, one vote," becomes more apparent in the provision ordering

[1] McKinley, *op. cit.*, p. 217; *Assemb. Jour.*, vol. i, p. 712.

[2] *Col. Laws*, vol. ii, p. 606.

[3] *Journal*, Oct. 7, 1734.

[4] *Col. Laws*, vol. v, p. 228.

owners of freeholds on the east side of Broadway, which ran through both the North and the West Wards, to vote only in the former.[1] It might be inferred from this that certain freeholders had tried to vote in two wards.

In the province of New York religious qualifications barred only a small percentage from voting, a remarkable condition when compared with the narrow policy often practiced in the nearby New England colonies. Jews and Catholics were the only persons excluded on this ground, even Quakers having equal rights with persons of other denominations.[2]

We possess original data from which the extent of suffrage in the city of New York may be estimated. This evidence is summarized in the following table.

From the figures given below we may safely conclude that, although at the granting of the Montgomerie Charter, in 1731, about seven per cent of the total white population actually voted, within thirty years this proportion had risen considerably. These figures show a remarkably extensive suffrage, especially if compared with Philadelphia, where, even under the rule of the Quakers, only two per cent of the total population qualified as voters.[3]

Let us now see how a municipal election in colonial times was actually conducted, by taking that held in 1770 as a typical example. Abraham P. Lott and George Brewerton, Junior, were rival candidates for the office of alderman of the West Ward. The former was a well-known merchant who had formerly served as assistant and later as alderman of the ward.[4] We find Brewerton registered on the lists of

[1] *Col. Laws*, vol. v, p. 231.

[2] Smith, *Hist of N. Y.*, vol. ii, pp. 47-48; *Assemb. Jour.*, vol. i, p. 712; McKinley, *op. cit.*, pp. 214-215.

[3] McKinley, *op. cit.*, p. 292.

[4] *M. C. C.*, vol. vi, pp. 351, 390; vii, p. 126.

NUMBER OF VOTES CAST IN ELECTIONS HELD IN THE CITY OF NEW YORK

Year of Election	Total White Population[1] (Estimated)	Provincial Elections		Municipal Elections		
		Total Votes Cast	Per cent of Votes to White Population	Votes Cast	Per cent	Number of Wards
1734.....	7999	.....	.....	442[2]	5.5	6
1735.....	8317	812[3]	7.3	66[4]	.....	1
1761.....	13418	1447[5]	10.7	.....	.....	.....
1768.....	17128	1927[6]	11.2	.....	.....	.....
1769.....	17664	1515[7]	8.5	281[8]	.....	1
1770.....	.....	.....	.....	583[9]	.....	1
1773.....	.....	.....	.....	264[10]	.....	1
1775.....	.....	.....	.....	267[11]	.....	1

the freemen as a "gentleman," and he therefore represented social standing.[12] He depended upon the political support of his relatives, Alderman George Brewerton and Common

[1] The population is estimated by the method of arithmetical progression from known census figures.

[2] *M. C. C.*, vol. iv, p. 223; *Journal*, Oct. 7, 1734. No returns were given for the Out Ward. The account adds that in the other wards there were "many more ready to poll for the new candidates," but these votes were not included in the canvass.

[3] Valentine, *Manual of the Corporation* (1869), p. 851.

[4] *M. C. C.*, vol. iv, p. 279.

[5] Poll list for 1761.

[6] Poll list for 1768.

[7] Poll list for 1769.

[8] Report, dated Oct. 13, 1769, "of a committee upon the Scrutiny for Alderman and Common Councilman of the Out Ward," in filed papers, city clerk's office.

[9] Filed papers, city clerk's office.

[10] *M. C. C.*, vol. vii, p. 403.

[11] *Gazette*, Oct. 2, 1775.

[12] *Burghers of New Amsterdam and the Freemen of New York* (Collections, N. Y. Hist. Society, 1885), p. 197.

Councilman Jacob Brewerton, at the time members of the board. This family had been conspicuous for its active espousal of the conservative cause in the elections for the assembly in 1768. The contest between such prominent candidates as Lott and Brewerton aroused general interest.

September 29, Michaelmas Day, which had been from time out of mind the day for the annual election of municipal officers, was at hand. After the freemen and freeholders of the ward had assembled at the polls, and had expressed preference for either Lott or Brewerton, the votes were counted. It was found that Alderman Lott had been re-elected, receiving 301 votes as against 282 for his opponent; but Peter T. Curtenius, retiring assistant, had been defeated by Abraham Mesier by a vote of 286 to 292.[1] In the afternoon, when polls in all the wards had been closed, the common council convened to receive official returns, and prepared to hear petitions for a recount.[2] At this meeting, the contest for the leading offices in the West Ward was continued. Mr. Lott returned himself as alderman and reported that Mesier had been chosen to succeed Curtenius as common councilman, giving also the names of those elected as collector, assessor and constable of the West Ward, respectively. Brewerton, the defeated candidate for the office of alderman, was present to protest the returns as given by Mr. Lott, and to request a recount of the votes on the charge that there had been "some undue Methods & unfair practices used in the Course of the said Election by his opponent."[3] In support of his contention, Brewerton submitted an affidavit of several electors who declared that they, "Conceiving themselves Justly Entitled to give their Votes at the late Election for alderman and

[1] "List of Good and Bad Votes" in filed papers, city clerk's office.

[2] *M. C. C.*, vol. vii, pp. 229-232. [3] *Ibid.*, p. 232.

common councilman for the West-ward of this City . . . did then offer to give their Votes in favor of George Brewerton, Junior and Abraham Mesier, but were not admitted." [1] The Common Council thereupon decided to investigate the returns and ordered that "each party make out a List of the Voters they respectively object to, and point out at the end of each List the Cause of Objection and that they then Changed their Lists." [2]

On Saturday morning, October 13, the common council met expressly for the purpose of settling election controversies. Pending the examination of the poll lists, Alderman Lott withdrew from the board, as also did Alderman George Brewerton and Common Councilman Jacob Brewerton, relatives of the defeated candidate, since they were all personally interested in the outcome. Both sides submitted the names of such persons as were said to have voted illegally. After closely scrutinizing all data, the common council rendered a decision upholding the election of Lott.

What the "unfair practices" were with which Brewerton charged his opponent, are not mentioned in the petition of the defeated candidate. However, from other sources it is very apparent that corrupt methods were practiced extensively at colonial elections held in New York City. One citizen, describing his experiences in a letter to the *New-York Gazette*, stated that one evening, while passing through a street in the West Ward, he observed a large, noisy crowd collected at a small inn. Upon inquiring for the cause of the commotion, he was informed that "a dramshop was opened, and that every Freeholder or Freeman, who was willing to part with his vote, might there meet with a purchaser." [3] The *Independent Reflector*, a

[1] Affidavit in filed papers, city clerk's office.

[2] *M. C. C.*, vol. vii, p. 232 *et seq.*

[3] *Gazette*, Feb. 15, 1768, broadside in Library of N. Y. Hist. Society.

paper devoted to the interests of the popular party, bitterly scored the election jobbery so common in its day. Though conceding that the practice of intoxicating people to influence their votes might claim justification upon the authority of custom, one contributor to the *Independent Reflector* terms this evil "a perilous Invasion of our constitutional Privileges." He goes on to exclaim: "How often have the Votes of the People been purchased . . . without the least Endeavor to conceal the Bribery? And how seldom are the Qualifications of the Candidates considered by the Electors." [1]

Aside from these confessedly corrupt acts, several other features of colonial elections may be criticized. Every voter was under the necessity of declaring his choice in public, and thus was almost sure of incurring the displeasure of the candidate whom he opposed, and of the candidate's friends. Besides, under the common practice of selling votes, it was, of course, a simple matter to watch whether the voter kept his part of the bargain. The opportunity of fraud was further increased by giving the alderman full charge of elections in his ward.[2] He fixed the time and place of the polls, registered the voters, recorded their choice for office, and submitted the returns to the common council.

The *viva-voce* method and the aldermanic management of elections conduced toward permanence of tenure for members of the common council. This is clearly shown by an examination of the terms of office among the aldermen, especially conspicuous being the case of Gerardus Stuyvesant, who was elected alderman of the Out Ward for thirty-two consecutive years.[3] The tenure of a common

[1] *Independent Reflector*, July 5, 1753.

[2] *Col. Laws*, vol. v, p. 232.

[3] *M. C. C.*, vol. iii, p. 294 *et seq.*

councilman averaged four years, that of an alderman from six to seven. Members of the common council were usually re-elected without opposition, an opponent being raised against a magistrate only when his acts had proven objectionable to some of his constituents.

But, as time passed, the power of the lower class increased, encroaching upon the upper-class domination in religion and in politics.[1] In New York, preëminently, the corrupt methods of political management were bitterly attacked. The injustice of the open ballot was especially felt by many right-minded persons, and a number of them expressed their views in a petition addressed to their fellow-citizens. In support of the passage of a bill calling for secret balloting, the following reasons were advanced:

1st. Such a Law, will in a great Measure prevent Tumults, Riots and Disorders, at Elections.

2d. It will prevent Men of Property, Power & Tyranical Dispositions, from prostituting their Wealth and Influence, in giving Weight to their threats, and thereby intimidating the Electors from a free Disposal of their Votes, according to their Understandings and Consciences . . . And effectually Screen all honest Burgers and Tradesmen, who may incline to Vote contrary to the Sentiments, of their Employers or Landlords, from their Resentment: and therefore Place them on a footing with the Richest of their Fellow-Citizens in Elections.

3d. It will in a great Measure, prevent that Dangerous and Detestable Practice of Bribery and Corruption, which has been so successfully practiced.[2]

The bill, however, was lost in the legislature.

Though the provincial legislature refused to substitute

[1] *Ecclesiastical Records: State of New York* (Albany, 1901-1905), vol. vi, p. 4179.

[2] Broadside, dated 1770, in Library of N. Y. Hist. Society.

the secret ballot for open voting, the popular agitation was not without result, for other election reforms were instituted. In 1771 the general assembly amended the sections of the city charter dealing with municipal elections.[1] The aldermen were deprived of the right to manage the ward elections. Instead, the common council was to hold a meeting at least eight days before elections, designate a suitable place for the polls in each ward, and appoint a freeman or freeholder who was a resident of the ward, as returning officer for his particular district.[2] In this capacity he exercised powers held previously by the alderman, such as conducting the elections, and reporting the returns to the common council. Qualifications for voting in New York were for the first time clearly defined; the nature of a freehold, as well as the position of a freeman, was described with preciseness. Provision was also made to eliminate "repeating" as well as false registration at the polls. Every voter had to take oath or make affirmation that he "had not been before Polled," and any one making a false oath or inducing another to commit such an offence was liable to indictment and trial on the charge of perjury.

Municipal elections of this period were influenced to a large extent by the economic and religious interests of the day. On the basis of occupation, the male inhabitants of the city were grouped into six general divisions, as follows: merchants, crown officers, land owners, lawyers, shopkeepers, and artisans. Our review of "Commerce and Industry" will make it clear that the merchant class was by far the most powerful. The rapidly growing trade of the port of New York brought wealth to many inhabitants. Son usually followed father in an established mercantile busi-

[1] *Col. Laws*, vol. v, pp. 228-236. [2] *M. C. C.*, vol. vii, pp. 313-314.

ness, so that family fortunes tended to increase. These rich merchant households were often united by intermarriage, and thus, through common economic and family ties, were formed combinations potent in politics as well as in business.[1]

There were but three other classes in New York society which could be compared in dignity with the merchants, namely, the crown officers, the large landowners, and the lawyers. Indeed, so binding was caste that marriage into another group was denied social sanction. Despite the social influence of the crown officers and the landowners, however, they exerted slight influence on municipal politics. The former were more interested in the game of provincial affairs, where stakes were richer, and few cared even to become freemen of the city. Now and then, we do find these individuals taking part in local politics, but such instances are rare. Large landowners formed but a minor portion of the city's population. These two classes may have exerted an influence over the designation of mayor and of recorder, since these were appointees of the governor, but we may regard crown officers and large landowners as negligible factors in municipal elections.

Far different was the power of the lawyers of the city. Although numerically small, they formed the most influential class after the merchants. At first, these two groups, having many interests in common, joined forces in holding both provincial and municipal governments to conservative policies. But after the middle of the eighteenth century, issues arose which severed this alliance. So wide did the breach become that the period from 1750 to the Revolution witnessed a bitter struggle between merchant and lawyer

[1] Becker, *History of Political Parties in the Province of New York, 1760-1776* (Madison, Wisconsin, 1909), pp. 8-11. See also article by the same author in *The American Historical Review*, vol. vii, pp. 59, 261.

for supremacy in the councils of the government, the former generally holding fast to the conservative side, the latter proceeding more and more toward radicalism. Lieutenant Governor Cadwallader Colden paid the legal profession a grudging tribute when he solemnly assured Lord Halifax that the

> dangerous influence it had obtained [throve] in the province of New York more than in any other part of His Majesty's dominions, [adding that] in a Country like this, where few men, except in the profession of the Law, have any kind of literature, where the most opulent families, in our memory, have arisen from the lowest rank of the people, such association must have more influence than can be easily imagined. . . . Their power is greatly strengthened by inlarging the powers of the popular side of the government.[1] [In conclusion, he stated that] all Associations are dangerous to good Government, and more so in distant dominions, and Associations of lawyers the most dangerous of any next to Military.

The above-mentioned groups composed the upper division of society, while the remaining freeholders and freemen formed the great middle class. These freeholders included owners of small farms in the Out Ward, the rural section of Manhattan, together with those citizens who possessed houses or lots in the lower districts of the city. The freemen of this class embraced shopkeepers, bakers, butchers, millers, innkeepers, carpenters, bricklayers, painters, and artisans in general.[2]

The right of suffrage stopped with this group. Next below it came poorer freeholders whose dwellings either were valued at less than £40 each, or were encumbered with mortgages. Along with them may be classed such workers

[1] *Col. Docs.*, vol. vii, p. 705.

[2] *Freemen of N. Y.* (Coll. N. Y. Hist. Society) gives the names and occupations of freemen admitted to the commonalty.

as did not possess the freemanship, including clerks, laborers and journeymen who toiled for merchants or for freemen more nearly independent. This third class went by several names, being officially known as the "inhabitants," or more commonly the "mechanics." As these persons did not possess the right to vote, they may be regarded as inconsequential in colonial elections. However, this group was destined to be the determining factor in the revolutionary movement in the city of New York.[1]

The population was also divided on the basis of religious denominations into several groups having different degrees of political influence. Anglicanism, introduced with the English occupation of New York, by the middle of the eighteenth century was firmly planted in the city.[2] Its power was continually augmented by the fostering care of crown officers. In the words of a contemporary critic, "its adherents have the civil government chiefly in their hands. In short, in regard to all political rights, this Church has all privileges imaginable above other denominations."[3] The strength of the Episcopalians lay not in their numbers, for it is estimated that they formed but one-tenth of the total population.[4] Other factors, however, placed the Church of England in a position of ascendancy. It was strengthened by the power and the wealth of its communicants, among whom were generally the governor and other high colonial officers, together with "a numerous train of rich and affluent merchants, and landholders."[5] The

[1] Dawson, *Westchester-County, New York, during The American Revolution* (N. Y., 1886), p. 4, note 3.

[2] Dix, *History of the Parish of Trinity Church in the City of New York* (N. Y., 1898-1906), vol. i, *op. cit., passim.*

[3] *Eccles. Recs.*, vol. vi, p. 3965. [4] *Ibid.*, vol. v, p. 3612.

[5] Jones, *Hist. of N. Y.*, vol. i, p. 4. Flick, *Loyalism in New York during the American Revolution* (N. Y., 1901), pp. 9-10.

supremacy of Anglicanism was due also to its centralized form of church organization. In fact, New York city was made the base of the movement to spread Anglican influence into other colonies. Here was usually held the annual convention of Episcopal ministers from New York, Connecticut and New Jersey.[1]

Anglicanism, assured in its power, wealth and organization, found among nonconformist denominations of the city one aggressive rival in the Presbyterian Church. The strength of this church also lay to some extent in its organization, and still more in its numbers. With a college in New Jersey to supply trained leaders, and with its synodical form of ecclesiastical government, this church, in the later years of the colonial period, was capable of forceful, concerted action. After the middle of the eighteenth century it outnumbered in membership the communicants of the Church of England.[2] Its followers were drawn mainly from the middle class; but even Judge Thomas Jones, who harbored no kindly feelings toward Presbyterianism, admitted that "there belonged to it some rich, wealthy, sensible men."[3] The expansion of the Presbyterian Church was due to the accession of many Scottish and Scotch-Irish immigrants and of persons of the "Puritan type," coming into New York from New England.[4]

Next, in order of importance, was the Reformed Dutch Church.[5] In the early days of New Amsterdam, it had been all-controlling; but, after the province changed pro-

[1] *Journal*, May 19, 1768.

[2] *Eccles. Recs.*, vol. v, p. 3612; vi, p. 3965. Sedgwick, *A Memoir of the Life of William Livingston* (N. Y., 1833), p. 78.

[3] Jones, *op. cit.*, p. 2.

[4] Briggs, *American Presbyterianism* (N. Y., 1885), pp. 99-108.

[5] Corwin, *Manual of the Reformed Church in America, 1628-1902* (N. Y., 1902), pp. 102-116.

prietorship from Dutch to English hands, the old church declined in influence, and old customs were gradually supplanted by new. The English language, in time, became more and more commonly spoken, until, in 1731, the use of the Dutch tongue in the courts was entirely prohibited,[1] and toward the middle of the century it could be understood only by older inhabitants who still cherished the traditions of New Amsterdam.[2] The Dutch Church failed to keep abreast of these changes, clinging instead to the old tongue and using it exclusively in formal services. It was largely unintelligible to the younger members, who consequently drifted away to Anglican or Presbyterian churches. Commenting upon this, Kalm said that the younger generation "begin however by degrees to change their manners and opinions; chiefly indeed in the town and in its neighborhood; for the most of the young people now speak principally English, and go only to the English church; and would even take it amiss if they were called Dutchmen and not English."[3] The consistory of the Dutch Church was fully sensible of its growing weakness, and the progressive element labored hard to reform the services. At one meeting, a remedy was proposed which, it was hoped, might prove effective in a time of diminishing church attendance. Upon the persuasion of the elders, the consistory issued a request that all ministers limit their sermon to one hour, in order "to increase the audiences and hold the people together, and so enlarge the alms and other revenue of the church."[4] The question of the continued use of the Dutch language in services split the church into two hostile

[1] *Eccles. Recs.*, vol. iv, p. 2563.

[2] *Ibid.*, pp. 2563; vi, pp. 3964-3965.

[3] Kalm, *Travels into North America* (London, 1770), vol. i, p. 269.

[4] *Eccles. Recs.*, vol. iv, pp. 2955-2956.

factions, causing serious internal dissension. Again, as this denomination looked to Holland for direction in church administration, it was bound to lack organization and initiative. Nor had it a college in America for supplying leaders until the establishment of Queen's (now Rutgers) College, in 1770; and, to make matters worse, progressive ministers were frequently censured and not seldom dismissed, with the result that many congregations were left without pastors.[1] With neither classis nor synod, the Reformed Church fell indeed into an enfeebled condition. The decay of this church was not due to lack of members or of wealth, for it possessed both of these elements, which usually make for ecclesiastical strength. Even to the end of the colonial period it was numerically powerful. Those who visited the city, even in late years, noted that the population was essentially Dutch, Kalm stating that the "inhabitants, both of the town and of the province belonging to it, are yet for the greatest part Dutchmen."[2] Furthermore, Judge Jones gave it a high rank because of "its riches, its influence and . . . the number of its wealthy, opulent and reputable citizens."[3] Unfortunately, it lacked young blood.

Fourth in rank was the Lutheran Church. Planted during the early Dutch period, it was continually nurtured by the increasing flow of German immigrants. Their numbers and influence, usually underrated, may be estimated from statistics on naturalization which indicate that among 220 residents of New York City, naturalized between the years 1740 and 1769, there were 109 Lutherans.[4]

The remaining religious denominations exerted little or

[1] *Eccles. Recs.*, vol. v, p. 3649. [2] Kalm, *op. cit.*, p. 269.

[3] Jones, *op. cit.*, p. 2.

[4] New York naturalization statistics, giving names, *etc.*, of persons naturalized, 1740-1769; manuscript in N. Y. Pub. Library.

no influence over political conditions. There were a few Roman Catholics, Quakers and Moravians. A Calvinist Reformed Church was supported by Germans, and a church for Huguenots, or French Protestants, existed; but both of these showed a tendency to unite with the English bodies, the Germans with the Presbyterians, the French with the Anglicans.[1] Methodists and Baptists each had only one small meeting house.[2] Jews, although numerous, lost political privilege after 1737.

Owing to the strength of social and political privilege, certain economic groups and religious denominations possessed influence over the municipal government far out of proportion to their numbers. This was especially true of the merchant class and of the Anglican Church. These conditions become somewhat more apparent from the following data concerning such leading members of the corporation as mayor, recorder and town clerk, who held office between 1731 and 1776.

We thus see that in the period under review the governor generally selected for mayor of the city some prominent merchant, the only departure from this policy occurring in later years when Whitehead Hicks and David Matthews, both lawyers, were chosen for the mayoralty. Recorders, also appointed by the governor, were, by necessity, of the legal profession, for, as we have seen above, the office required men with such training. But at the same time care was usually taken to select a lawyer of the Anglican creed. The clerks of the common council likewise were Episcopalians. Regarding the common council, our data is somewhat incomplete, but it is certain that the merchants did not hold exclusive control. Yet, as a class, they possessed lead-

[1] *Eccles. Recs.*, vol. v, p. 3649.

[2] Roosevelt, *New York* (N. Y., 1891), p. 90.

NAMES AND OCCUPATIONS OF MAYORS, RECORDERS AND TOWN CLERKS OF THE CITY OF NEW YORK, BETWEEN 1731 AND 1776

OFFICE	NAME	OCCUPATION[2]
Mayor[1]	Robert Lurting*	Merchant
"	Paul Richard	"
"	John Cruger, 1st	"
"	Stephen Bayard*	"
"	Edward Holland*	Unknown
"	John Cruger, 2d	Merchant
"	Whitehead Hicks	Lawyer
"	David Matthews	"
Recorder	Francis Harison	"
"	Daniel Horsmanden*	"
"	Simon Johnson	"
"	Thomas Jones	"
"	Robert R. Livingston*	"
"	John Watts, Jr.	"
Town Clerk	William Sharpas*	"
"	John Chambers*	"
"	Augustus Van Cortlandt*	"

ing rank; the lawyers following. However, the small shopkeepers and artisans, on occasions when they combined, were usually strong enough to act as a check upon the upper class.[3] At no time, even in the later period, were the Anglicans able to boast of a majority of members of their persuasion in the common council. Here lay the strength of the Dutch Church, which could point with pardonable pride to the large number of its elders and deacons on the city

[1] *M. C. C.*, vol. viii, p. 150.

[2] *Freemen of New York, op. cit., passim.*

[3] In the election of 1734 seven merchants, who were members of the common council, were defeated for reëlection by the votes of the artisan class. *Journal*, Oct. 7, 1734. See also broadsides, dated Sept. 1734, in N. Y. Public Library.

* Member of the vestry of Trinity Parish. Dix, *Hist. of Trinity Parish*, vol. iv, pp. 572-583.

board.[1] Though its power was gradually declining, this denomination retained its hold on the common council until past the middle of the eighteenth century, when the rapidly developing strength of the Presbyterians asserted itself in local political circles.

[1] *Eccles. Recs.*, vol. iv, pp. 2747-2750.

CHAPTER III

Trade and Industry

Of late years there has been a tendency to increase the governmental regulation of industrial activities. Recent trust decisions, factory laws, local health ordinances, and the like, testify to this development. It is a reaction from the *laissez-faire* policy which forbade governments to interfere in business enterprises. But the early eighteenth century was not influenced by any doctrine of *laissez faire* being still dominated by the mercantilism of previous centuries. Inasmuch as this theory called for a strict supervision of commerce and industry, we may expect to find the municipal and provincial governments of New York interested in such matters.

Before examining common council regulations regarding the business activities of citizens, it is well to describe, in the first place, the various kinds of circulating media of exchange which were then in use. The strong box of a New York merchant before the Revolution held wampum, coin and paper. Wampum, the money of the Indians, was accepted as currency until late in the colonial period, when it was superseded by metallic money.[1] Gold, silver and copper specie of the greatest variety circulated throughout the colonies. Gold pieces such as British guineas, Spanish pistoles, Portuguese moidores, together with silver and copper coins, found their way into New York through its extensive foreign trade.[2] The evils of paper money were not as wide-

[1] Burnaby, *Travels through the middle settlements of North America in the years 1759 and 1760* (London, 1798), pp. 80-81.

[2] Stevens, *Colonial Records of the New York Chamber of Commerce 1768-1784* (N. Y., 1867), pp. 316-317.

spread in New York as in New England, though provincial bills of credit circulated freely. The annual issue at times exceeded £100,000, but the amount canceled was correspondingly large, this redemption being made possible by levies on the commerce coming into the port of New York.

Counterfeiting added to the confusion in money changing. The prevalence of this evil is proven by court records and by newspapers of the day. In the municipal court of general sessions batches of bad money were frequently condemned and ordered burnt. The *Post-Boy* warns its readers against counterfeit forty-shilling bills "artfully done," pointing out that "Persons of small Attention cannot readily apprehend the Fraud." [1]

With a river navigable for the largest ships on each side, and protected by a splendid bay, Manhattan Island has become the commercial capital of the western hemisphere. The advantages of New York harbor were early recognized by merchants and travelers. Peter Kalm, who visited the city in 1748, commented upon the favorable position of a town situated so near to the ocean and also at the mouth of a river which penetrated deeply into the interior.[2]

The extent of New York's commerce at various times during the colonial period may be seen from the following table:

COMMERCE OF NEW YORK BETWEEN 1746 AND 1772 [3]

	1746	1749	1762	1772
Number of ships cleared	99	157	477	700
Tonnage of ships	4513	6406	19514	29132
Number of seamen carried	755	1228	3552	3374
Total value of exports	14000	35600	53900	82707
Total value of imports	54900	267000	480000	343970

[1] *Post-Boy*, Jan. 28, 1754.

[2] Kalm, *Travels into North America*, vol. i, p. 247.

[3] *Doc. Hist.*, vol. i, pp. 493, 513. Chadbourne and Moore, *Public Service of the State of New York* (Boston, 1882), vol. i, p. 411.

On the basis of tonnage leaving the colonies, New York, in 1733, ranked third, with Boston first and Philadelphia next. Within ten years New York passed Philadelphia, although during the colonial period it never distanced Boston.

This commerce varied in nature. From all quarters of the globe came vessels laden with West Indian molasses, sugar and tropical fruits, Jamaica rum, Madeira wine and silks from India.[1] The African slave trade in the later colonial period was comparatively slight, for between the years 1746 and 1749 only forty-nine slaves were entered at the port.[2] In exchange for all these imports, New York exported mainly foodstuffs such as grain, flour, meat and fish, 6,731 tons of provisions leaving the port of New York in 1749.[3] To the mother country skins and naval stores were sent in abundance.

Both municipal and provincial governments regulated exports. Meat packing, an important industry of the city, was carefully supervised by the common council. All cattle were transported across the rivers and landed only at specially designated wharves near the public slaughter houses, which were purposely located close to the shore. The slaughter houses were leased to keepers, paid by the butchers at the rate of one shilling for every animal killed and dressed.[4]

The condition of the public slaughter houses was not always satisfactory. Insufficient tackle, rings, and staples made dangerous the work of the butchers, several of whom narrowly escaped being gored.[5] Furthermore, the roofs

[1] *Doc. Hist.*, vol. i, p. 493.

[2] Winsor, *Narrative and Critical History of America* (Boston and N. Y., 1887), vol. v, p. 228.

[3] Burke, *An Account of the European Settlements in America* (London, 1757), vol. ii, p. 185.

[4] *M. C. C.*, vol. iv, p. 129.

[5] Complaint of butchers against public slaughter houses, in filed papers, city clerk's office.

sometimes leaked, doors were often missing, and the flooring badly broken, so that meat unspoiled by rains was not seldom stolen by dogs and thieves.

In 1750 Nicholas Bayard, a member of the common council, asked permission to erect a public slaughter house and pen on his land in the Out Ward to the north of Fresh Water Pond.[1] This was granted, and Bayard received a lease for twenty-one years on the same terms allowed to John Kelly, former lessee of the public slaughter houses. In time Bayard obtained a complete monopoly of this business, for all cattle had to be killed at his place, the older public slaughter houses being abandoned. Besides, no slaughtering was permitted in any other part of the city on penalty of a ten-shilling fine. But, as violations of this ordinance continued in the Out Ward, the common council imposed a fine of twenty shillings upon any one who permitted the use of his barn, stable or other property to other persons for killing cattle.[2] On the expiration of his lease, Bayard sought and obtained a renewal for eighteen years.[3] But as he neglected to clean the building and supply the necessary equipment, his exclusive privilege aroused vigorous opposition, and several petitions were presented to the common council from persons desiring to slaughter animals on their own property in the Out Ward. Twice the board deferred action, but was eventually compelled to yield.[4] However, indiscriminate slaughtering of cattle was prohibited save in the Out Ward.

The inspecting, casking and marking of all dressed meat for the export trade was likewise regulated by the common

[1] *M. C. C.*, vol. v, pp. 303, 357.

[2] *Ibid.*, vol. vii, pp. 25-26, 76, 117-118.

[3] *Ibid.*, pp. 94, 107-108, 161.

[4] *Ibid.*, pp. 246, 252, 287-288.

council. The shipping of unwholesome beef or pork was punishable by a fine of £5.[1] After the meat had been examined and passed upon, it was packed in wooden casks having a capacity of thirty gallons. As competition for the West Indian markets became keener, the common council, probably with a view to holding this trade, compelled the use of a cask of thirty-one and one-half gallons.[2] This provision was incorporated in a provincial statute which further specified that each barrel was to be trodden down at least twice and to contain not less than one-half bushel of salt.[3] This system of measurement proved very loose, for casks often fell short of the legal quantity, much to the "Discredit of the said Staple Commodities of this Colony at foreign markets."[4] The common council therefore determined to standardize not according to size, but according to weight, and ordered that a full barrel contain either 220 pounds of beef or 210 pounds of pork. When all specifications were fulfilled, the casks were branded "New-York" by one of the municipal inspectors, or "gaugers," who collected fees for this service from the exporters.[5]

Although the shipment of meat was large, the greatest staple of the city was flour, of which 80,000 barrels were exported annually.[6] For many years the millers of the city had enjoyed a monopoly of bolting and packing flour for exportation, and considerable capital was invested in this business, the regulation of which was retained by the provincial authorities.[7] Their supervision proved inefficient

[1] *M. C. C.*, vol. iv, p. 95.
[2] *Ibid.*, p. 306.
[3] *Col. Laws*, vol. iii, pp. 77-79, 346.
[4] *M. C. C.*, vol. vi, p. 239-241.
[5] *Ibid.*, p. 161.
[6] Smith, *Hist. of N. Y.*, vol. i, p. 331.
[7] Spencer in *Pol. Sci. Quart.*, vol. xxx, p. 400.

and called forth much criticism both from consumers abroad and from merchants at home. So poor was the flour exported by New York dealers, that they were openly stigmatized "cheats" by the inhabitants of the West Indies. This state of affairs impelled a number of leading New York citizens, including William Smith, Paul Richard, Robert Livingston, Philip French and Mordecai Gomez, to urge upon the common council, the necessity of passing an ordinance against "selling and Buying for Exportation Flour not Merchantable whereby the Credit of the Trade of this City in one of its most Considerable Branches is Very much Lessened, and . . . will in a short time be wholly Ruin'd unless some Speedy Method be fallen upon to prevent such Frauds and Abuses for the future." [1] This address was referred to a committee, but no action was taken. In 1735 another petition was submitted to the board, and a committee was instructed to draft an ordinance whereby "the Reputation of the City in its Trade and Commerce may be better Established." [2] However, mindful of provincial prerogative, the corporation carefully refrained from any specific action as to flour.

In the absence of municipal ordinances regarding the exportation of flour, repeated efforts were made by the merchants of the city to secure adequate provincial regulation. Accordingly, Governor Cosby, in 1734 and 1736, and Lieutenant Governor Clarke, in 1741, laid the matter before the assembly.[3] At the same time the representatives from the city prepared bills, none of which succeeded in passing the lower house. In 1750 increased pressure was brought to bear upon the assembly. It received from a grand jury, sitting in New York city, a remonstrance pointing out the

[1] *M. C. C.*, vol. iv, pp. 169-170.

[2] *Ibid.*, pp. 251-252.

[3] *Assemb. Jour.*, vol. i, pp. 563, *et. seq.*

need of regulation over staple commodities.[1] This statement was also substantiated in a long petition, signed by the leading merchants of the city. In the end the legislature enacted a law which compelled all bakers and bolters of the city to register their names and brand marks with the clerk of the municipal court.[2] Notwithstanding these rules, we are told, "Great abuses" had been "committed in the Manufacturing of Flour" and this great "Staple of the Colony" had "in a very considerable Degree lost its reputation" in all places to which it had "usually been exported."[3] To remedy these evils, the legislature finally enacted several regulations regarding the quality of flour. In 1771 it dealt the shipping interests of the city a severe blow by appointing inspectors of flour and repackers of beef and pork in Albany, Orange, Ulster, and Dutchess Counties.[4] This was done to overcome the inconvenience of unloading cargoes at New York, a practice of many years' standing. The effect of this law was to break the monopoly enjoyed by the city.

The city's regulation of the quality of flour and bread for the export trade was limited by the province; but the former's control over foodstuffs for local consumption was complete. The exacting assizes fixing the quality, size and price of bread, passed in the earlier period, were continued with unabated strictness.[5] The price and size of loaves varied with the cost of flour, for, when wheat sold at four shillings a bushel, bakers were permitted to charge one penny for a loaf of the best white bread weighing ten and one-half ounces, whereas with wheat down to three shillings six pence, bread was to weigh eleven and one-half ounces.[6]

[1] *Assemb. Jour.*, vol. ii, pp. 294-295.

[2] *Col. Laws*, vol. iii, pp. 788-793. Minutes of Court of Quarter Sessions, March 21, 1751.

[3] *Col. Laws*, vol. iv, pp. 1096-1098.

[4] *Ibid.*, vol. v, pp. 198-202.

[5] *Vide supra.*

[6] *M. C. C., op. cit. passim.*

Rye bread was seldom included in the regular assizes, but occasionally a separate statement of prices for this commodity was issued by the common council. It was supposed to draw up an assize every three months, but this practice was not followed; for frequently rates were changed twice within one month, and, again, a half year would intervene between two assizes. Every loaf offered for sale was to be marked with the baker's initials. Inspectors of bread were appointed by the common council to see that the regulations of the municipal assizes were faithfully observed. A baker violating the bread assize was fined usually twenty shillings, and the goods offered for sale contrary to the ordinance, were forfeited to the poor of the city. Bakers were not always satisfied with these rulings of the magistrates, especially regarding the prices set by an assize, and at times combined to oppose the ordinances. We read in the *Journal* that on one occasion "there was a general Combination of the Bakers not to Bake, because Wheat is at a high price, which occasioned some Disturbance, and reduced some, notwithstanding their Riches, to a sudden want of Bread." [1] The corporation possessed through court procedure means which compelled observance of its ordinances. Such a step was taken against John Bogert, who was indicted by the grand jury for selling unwholesome bread.[2] Again, when infractions against the by-laws were very serious, the matter was taken before the supreme court.

Liquors, both imported and domestic, were consumed in enormous quantities, and were deemed by many necessary accompaniments to work of every nature. Apparently no public enterprise could properly be undertaken without

[1] *Journal*, April 20, 1741.

[2] Minutes of the Court of Quarter Sessions, May 3, 1744.

stimulants of some kind. Anthony Ham, doorkeeper of the common council, was allowed to retail liquors gratis,[1] and when the board made an appropriation for building a ferry house, repairing a dock, or erecting a public building, it seldom failed to make an allowance for beer and rum for the workers.[2] Again, Henry Law, a tapster, was given £5 for "divers Quantitys of liquor Delivered out at the late fire to those who appeared to stand Greatly in need of the Same, being very Cold and Wett."[3] A more peculiar incident is an order of the common council, in 1773, that the sum of £2 : 9½s be given to John Simmons "for Liquor found for the Jury who sat to enquire of the Death of Mary Murphy."[4]

From the liquor traffic both the province and the city derived considerable revenue, the former levying an excise tax, the latter requiring a license fee from every dealer. The provincial excise tax was "farmed out" every year to the highest bidder, who was to act as excise master. He in turn sold the privilege of retailing strong liquors to anyone who agreed to his terms. This system proved unsatisfactory, for it encouraged the increase of low groggeries.[5] The law was also disadvantageous to retailers, for they were forced to pay an exorbitant sum to the "farmers" of the excise.[6] For these reasons this policy was discontinued after 1753, when the province appointed commissioners to collect the excise tax, and for the city of New York it chose the mayor, recorder and aldermen as excise commissioners. In the following year the above mentioned plan, so far as it related to the city, was changed; for the general assembly appointed two citizens as commissioners.[7] This system of

[1] *M. C. C.*, vol. iv, p. 207.
[2] *Ibid.*, p. 250.
[3] *Ibid.*, vol. vii, p. 211.
[4] *Ibid.*, p. 440.
[5] *Post-Boy*, Jan. 29, 1753.
[6] *Col. Laws*, vol. iii, p. 951.
[7] *Ibid.*, p. 1000.

collecting the excise in the city, through officers appointed by the state, was continued after the Revolution, and in fact remained in force until 1824.[1]

The city also possessed partial control over excise matters. All retailers of liquors were obliged to secure licenses from the mayor, on penalty of a fine of £5.[2] The extent of the liquor traffic may be estimated from the statement that, in the year 1772, the mayor issued 396 licenses to liquor dealers, thus averaging one to about every 55 inhabitants of the city.[3] Other limitations were placed by the common council on the sale of intoxicants. The present Sunday-closing law is not an innovation to New York City, for, as early as 1731, the board ordered that no tavern keepers "suffer their Doors to be kept Open, or do Entertain or Receive any Company into their Houses, and to them Sell any kind of Wine, Beer, Syder, Rum, or Other Strong Liquors on the Lords Day, Called Sunday, in time of divine service."[4] Another ordinance, passed in 1755, threatened severe punishment to any dealer who sold liquors to sentinels of the garrison, in consequence "whereof many have Lately Deserted the Service and many Breaches of the peace Tumults and Outrages have been Committed."[5]

Besides bread and liquors, foodstuffs of all sorts were sold at the public markets. Here could be bought meats, fish, eggs, butter, cheese, vegetables and fruits, supplied by the country people from Harlem, Westchester, Long Island, and New Jersey. Before dawn wagons, loaded with provisions, rumbled down Bloomingdale Road into Broadway,

[1] Fairlie, *Centralization of Administration in New York State* (N. Y., 1898), pp. 156-157, note 3.

[2] *M. C. C.*, vol. iv, p. 81.

[3] *Ibid.*, vol. vii, p. 420. The accounts of the mayor were entered in the tavern keepers' book, still preserved in the comptroller's office.

[4] *M. C. C.*, vol. iv, p. 79.

[5] *Ibid.*, vol. vi, pp. 44-45.

where several of the markets stood. Also in the early morning hours a steady stream of farmers' carts made their way to the Brooklyn Ferry, where the produce was transported across the East River to Manhattan. A fleet of small boats, filled with foodstuffs, came down the Hudson daily from Hackensack and Tappan on the Jersey shore, usually returning with the flood tide.[1]

In 1730 there were five markets within the city limits.[2] One of these, the "Broad Street" market, was probably used very little, for it is not mentioned as one of the public markets in the laws of 1737, and it is believed to have been torn down about 1746.[3] The "Old Slip" market, near "Burger's Path," gradually declined in importance, and by 1737 only five stands in it were leased. For a number of years the market was more or less neglected, and fell steadily into decay. In 1754 the common council had a solid stone foundation made for it, as well as a reënforced flooring and a new shingled roof.[4] Later other repairs were ordered, but the market continued so objectionable to many residents that, in 1774, a petition urging its removal was addressed to the common council.[5] No action, however, was taken, and the market remained standing until 1779.[6] Another old market house was located near "Countess Key" at the foot of Maiden Lane.[7] It was enlarged in 1736 by voluntary contribution, and in 1771 it was further improved at public expense to accommodate a growing trade in fish.[8] In time it became known as the "Fly" market and

[1] Kalm, *op. cit.*, p. 258.

[2] Stokes, *Iconography of Manhattan Island, 1498-1909* (N. Y., 1915), vol. i, plate 2.

[3] *M. C. C.*, vol. iv, pp. 365-366. De Voe, *Market Book* (N. Y., 1862), p. 85.

[4] *Post-Boy*, June 17, 1754.

[5] *M. C. C.*, vol. viii, p. 18.

[6] Stevens, *Colonial Records*, p. 339.

[7] *M. C. C.*, vol. iv, p. 354.

[8] *Ibid.*, vol. vii, p. 366.

continued as such until 1822, having had a continuous existence of 131 years.[1] Fish was also sold in large quantities at the "Coenties" market in the Dock Ward. This market was repaired and enlarged so that considerable business was still being conducted there when the Revolution broke out.[2] Near Clark's Slip, at the foot of Wall Street, stood the "Meal" market, which was one of the two public markets where grain was sold. Here also, masters sent their slaves to be hired out to other inhabitants of the city.[3] The market became more important when, in 1738, the ferry lessee decided to use Clark's Slip as a landing for his boats.[4] To accommodate the additional business, the market house was enlarged through contributions by neighboring property holders. Additional improvements were made, by John Marschalk, who was given permission to provide bins in the market for storing grain that had been sold.[5] This was quite a convenient change, for previously all unsold meal had commonly been stored over night in nearby houses.

In addition to these five old structures, several new ones were built within the period under review. In 1738 the common council permitted the inhabitants of the Dock and South Wards to erect a market house in the middle of Broad Street, near the present Exchange Place.[6] In 1746 leave was given for another in Rodman's Slip, also called Burling's Slip, but it proved unpopular and little further mention is made of it in the *Minutes of the Common Council*.[7] About the same time, the building of "Whitehall Slip"

[1] *M. C. C.*, vol. iv, pp. 365-366. De Voe, *Market Book*, p. 85.

[2] *Ibid.*, p. 116. *M. C. C.*, vol. vii, pp. 103, 124, 211. [3] *Ibid.*, vol. iv, p. 85.

[4] *Ibid.*, pp. 413-414. [5] *Ibid.*, vol. v, p. 155.

[6] *Ibid.*, vol. iv, pp. 426-427. De Voe doubts the existence of a market on this site, p. 253. But the *Minutes of the Court of Quarter Sessions* contain an order, under date of May 5, 1746, to remove a market house on Broad Street, near the watch house.

[7] *M. C. C.*, vol. v, p. 168. De Voe, *op. cit.*, p. 278.

market at the east end of Pearl Street near the Battery was allowed; but four years later the common council ordered it removed.[1] More nearly permanent was the "Peck Slip" market, the first to be built of brick.[2] It was erected in 1763 by William Walton and Jacobus Roosevelt, and remained standing until 1793.

We now have occasion to revert to an older market, mentioned above. This was the Meal or Wall Street market, which by 1762 was in a very unsatisfactory condition despite the efforts of the city fathers. As far back as 1744 the corporation had been indicted by a grand jury, one count being "the Dirt and Nastiness under the Meal Markett and the Ground fronting the Same."[3] Several years later a considerable amount of earth was carted away, but the market was still reported as a nuisance, this time the drain under it being clogged. The Common Council, heeding the complaint, ordered the drain to be cleaned, and later went to the expense of erecting a new drain to carry off the filth from the market to the East River.[4] However, the inhabitants living in the vicinity of the Meal market protested to the common council that it "greatly Obstructs the agreeable prospect of the East River which those that live in Wall Street would Otherwise enjoy, that it Occasions a Dirty Street Offensive to the Inhabitants on each side and Disagreeable to those that pass and Repass to and from the Coffee house a place of Great Resort."[5] In accordance with the wishes of these persons, the common council ordered the removal of the house to the "Oswego" market.

[1] *M. C. C.*, vol. v, pp. 167, 293.
[2] *Ibid.*, vol. vi, p. 321. Stevens, *op. cit.*, p. 339.
[3] *M. C. C.*, vol. v, pp. 113-114.
[4] *Ibid.*, pp. 370, 374.
[5] *Ibid.*, vol. vi, pp. 283, 287.

This was originally known as the "Broad Way" market, for it was situated in the middle of that thoroughfare near the present Liberty Street.[1] It was erected in 1738 by the inhabitants of the West Ward at their own expense, and in time the name "Oswego" market was applied to it.[2] It was improved and enlarged by both the corporation and private persons, so that it came to be 156 feet in length.[3] At first it was solely a meal market, but after 1741 meat also was there offered for sale, supplies for this food center coming from the Out Ward and down the North River from Tappan.[4]

The market proved useful for over thirty years, but in 1770 its continuance was strongly opposed by many influential persons. Its location in the middle of the city's busiest thoroughfare became more and more unsuitable, as the population and traffic increased. In January 1771, the market was denounced in the supreme court on the ground that it so obstructed Broadway that passage was dangerous.[5] After receiving a copy of the indictment, the common council was at first inclined to defend the market, and endeavored to retain James Duane, as counsel. When he declined, Samuel Jones was engaged.[6] After several months of deliberation, Jones gave the discouraging opinion that the corporation's case was too weak to be defended with any hope of success, and he urged the board to remove the market.[7] Although following his advice to the extent of not

[1] De Voe, p. 263.

[2] *M. C. C.*, vol. iv, pp. 423-424; vol. v, p. 216.

[3] *Ibid.*, vol. vii, p. 259.

[4] *Ibid.*, vol. v, pp. 41-42.

[5] Minutes of Supreme Court, Jan. 17, 1771.

[6] *M. C. C.*, vol. vii, pp. 259-260, 262.

[7] *Ibid.*, p. 300.

defending its case, the common council refused to order the removal of the market and left such action to the supreme court.

Not long after the market was taken down, residents in the neighborhood inaugurated a movement to erect a new one, "on the East Side of the Broad way Street."[1] The common council gave its sanction and funds were raised. partly through a private lottery. The new building received the name of "Oswego" market.[2]

For a number of years before the dismantling of the old Oswego market, residents of various districts throughout the city had been petitioning the common council for the right to erect market houses in their respective localities, but no action resulted. In 1742 one John Thurman had sought leave to build a market house at a slip which he owned, and Peter Mesier one at Cortlandt Slip, but they were both thwarted, probably through the efforts of those interested in the old Oswego market.[3] About twenty years later, persons in the vicinity of Cortlandt Street renewed the petition for a market house, and at the same time residents on lower Dey Street made a similar request for their neighborhood.[4] But again the Oswego market interests triumphed, for both petitions were indefinitely deferred. In the year 1771 these matters were repeatedly brought before the board, but in the fall, by a vote of seven to eight, it refused its consent to the erection of a market on Thurman's Slip.[5]

However, the demolition of Oswego market made the building of a new market house imperative. Three sites were first suggested by citizens, one in the Fields, a second on

[1] *M. C. C.*, vol. vii, pp. 348-349, 350.
[2] De Voe, *op. cit.*, p. 330.
[3] *M. C. C.*, vol. v, p. 56.
[4] *Ibid.*, vol. vi, p. 325.
[5] *Ibid.*, vol. vii, pp. 261, 312.

Dies Slip, and a third at Mesier's Dock on the North River.[1] The common council rejected the first location proposed, although this site was requested in petitions signed by hundreds of inhabitants, to which signatures were added those of no fewer than 125 city cartmen,—a circumstance unique in the annals of the colonial municipality. One may only speculate as to the identity of the organizer of this remarkable demonstration. Dies Slip was also eliminated, leaving only Mesier's Dock for consideration. Its general location was favored, but at the meeting certain lots owned by the corporation to the north of Dies Dock (the later Washington market, on Fulton and Vesey Streets) were determined upon.

Work on the new market house was soon begun. A structure 166 feet long by 28 feet in breadth was planned by the common council, which appointed a committee to superintend its speedy completion, if possible, before the end of the year.[2] This undertaking was actively supported by private contributions. As the amounts subscribed were considerable, the common council designated John Stagg as official collector, and the amount of £500 was raised.[3] By November 1771, the building was completed, under the name of the "Bear" market.[4] Scarcely had the new market opened when its business was threatened with competition. The movement for additional markets was strongly supported by the public, and accordingly petitions for such buildings at Thurman's Slip, in the Fields and in Maiden Lane were continually submitted to the board. A counter petition was also received, signed by those who had aided in the building of the Bear

[1] *M. C. C.*, vol. vii, pp. 302-304. Several petitions relating to this subject are in the filed papers, city clerk's office. De Voe, *op. cit.*, p. 275.

[2] *M. C. C.*, vol. vii, p. 306.

[3] *Ibid.*, p. 308. De Voe, *op. cit.*, p. 308.

[4] *Ibid.*, pp. 311-312. *M. C. C.*, vol. vii, p. 326.

market, which document explained that the present market offered sufficient accommodation and that the erection of another house, less than 200 yards away, would prove very injurious to the petitioners, especially after their large personal expenditures. With this latter representation before it, the common council, by a majority of one, rejected the proposition of John Thurman.[1] Through the efforts of Common Councilman Abraham Mesier, the board later reversed its own decision, and in the following year voted to accept John Thurman's house, which soon became known as the " Crown " market.[2]

The public markets were leased to private individuals, as were municipal ferries and docks. The terms of leasing were arranged by a standing committee of the board. At first each stall was leased separately, and no person was allowed to secure more than two in any one market. But in 1741 a decided change in the method of leasing took place. After that year the common council resolved to lease annually all its market properties to that individual who bid highest at the public auction.[3] The markets were leased the first year to Adolph Brass, who sublet the stalls therein to others.

Several of these lessees, notably Adolph Brass and Alexander Whyte, were very irregular in the payment of rent, and, in the case of the latter, suit was successfully brought for recovery.[4] Markets and docks were closely associated, as meat and produce which was unloaded at the docks always passed directly to the markets nearby. It was therefore quite profitable for the lessees of the docks to secure

[1] *M. C. C.*, vol. vii, pp. 331-332.

[2] *Ibid.*, pp. 350-351. De Voe, *op. cit.*, p. 328.

[3] *M. C. C.*, vol. v, pp. 45-46.

[4] *Ibid.*, vol. vii, pp. 74-75, 139, 180. Minutes of Supreme Court, Jan. 20, 1770.

control of the markets also, and we find them usually seizing this opportunity.[1]

We have already remarked how characteristic paternalism was of all governmental activities in the eighteenth century. The market regulations of the common council well illustrate this. As the purpose of the whole market system was primarily to bring housekeepers and farmers in direct contact with one another and eliminate, thereby, the middleman, considerable regulation was necessary. In the first place, hucksters or retailers were not permitted to make any purchases at all in the markets until the afternoon, so as to give first choice of products in the morning to the housewives.[2] Another ordinance prohibited the buying of provisions from country people, before they reached the markets. This restriction was often evaded, especially when provisions were dear, for inhabitants met the farmers at the ferryboat landings to purchase food. It was, naturally, of advantage to boatmen to sell at the docks, for, aside from making better bargains, they were spared the extra expense of carting their goods to the market. Also the quality of the meat sold at the markets was guarded by the common council, which in 1731 ordained that "no unholsome or Stale Victualls, No Blown Meat or Leprous Swine" be sold within the city on penalty of a fine of forty shillings.[3] This by-law was frequently invoked against butchers; for example, "nine quarters of carrion Lamb, was by authority, seized, in the Fly Market of this city, and according to Law, burnt, near the Ferry stairs."[4] Short weight was another evil practice against which the common council enacted several ordinances. It ordered that all weights and measures for use in the markets be first examined and then sealed.[5]

[1] *M. C. C., op. cit. passim.*
[2] *Ibid.*, vol. iv, pp. 108-109.
[3] *Ibid.*, p. 109.
[4] *Post-Boy*, May 9, 1757.
[5] *M. C. C.*, vol. iv, p. 110.

Notwithstanding the market system, the prices of foodstuffs rose steadily, as is shown by the quotations found in the newspapers of the day. The high cost of living naturally occasioned many complaints and consequent demands for higher wages and salaries. Lieutenant Governor Colden in a letter dated November 10, 1764, states that an income "which would have enabled a Family to live with some distinction thirty or forty years since, is now not sufficient for the subsistence of a Family of midling Rank." [1]

There were several causes, both transitory and permanent, for the rise of prices. Temporary advances in the cost of food were often caused by inclement weather which prevented small boats from landing in safety. Floating ice at times held back food-laden ships bound for the city.[2] Reports of yellow fever or smallpox in New York also deterred many of the country people from coming to market. Thus, in 1731, according to one account, "the Markets begin to grow very thin; the Small-Pox raging violently in Town, which in a great measure hinders the Country People from supplying this Place with Provisions." [3] In order to meet such a difficulty, the magistrates would exert every effort to contradict or minimize alarming news, on one occasion even going so far as to order the newspapers to print the following statement: "Whereas some Evil disposed Persons for their own private Lucre and gain, have Industriously Spread A Report about the Country that the Small-Pox prevails within this City, whereby to deter the Country People from Coming to Markett . . . These are therefore to Certifie and declare that the Said Report is false and Groundless." [4]

The heavy export of foodstuffs also tended to raise prices

[1] *Colden Letter Book*, vol. i, p. 398.

[2] Smith, *Hist. of N. Y.*, vol. ii, p. 69.

[3] *Boston News-Letter*, Sept. 2, 1731.

[4] *M. C. C.*, vol. iv, pp. 56-57.

to a high level and to keep them there. For this reason, a committee of the common council, in 1748, petitioned Governor Clinton to place an embargo on flour, bread, grain and butter. Part of the address is as follows: "As the Great and Unusual Exportation of the produce of our Country to foreign Markets in the West Indies has Occasioned so great a scarcity of provisions at this time . . . so in consequence therof they are become most Excessive Dear to the Very great Oppression and Loss of all Degrees of people but more Especially to the industrious and Laborious poor amongst us." [1]

There were also complaints about monopolies as the cause of rising prices. Beef which sold for only four pence per pound in the neighboring districts brought in the city as high as seven and eight pence per pound. According to one statement this was due to the efforts of "one of the most impudent combinations that was ever suffered among a free and thinking people." [2] To check the aggression of this colonial food trust, in 1763 a large, influential body of citizens urged the common council to fix by an assize the price of food in the markets.[3] Though the board had regulated the price of bread, it had hitherto carefully refrained from taking any such action regarding meat and other provisions. In the case of bread, the right of the municipality was unquestioned, for the bakers, who alone were concerned, were residents within the city. As to meat and provisions, on the other hand, there was considerable doubt because inhabitants of neighboring counties would thus be affected by a municipal ordinance. However, in 1763, the common council formally stated that it was "fully authorized to Regulate and Assize the prices of all kinds of Provisions

[1] *M. C. C.*, vol. v, pp. 242-244.
[2] De Voe, *op. cit.*, p. 145.
[3] *M. C. C.*, vol. vi, p. 336.

set to Sale in this City for the Consumption of its Inhabitants," and at once passed an ordinance making this right effective.[1] Then immediately followed a controversy in which the *Gazette* roundly denounced the avarice of butchers and country people, while the *Mercury*, another representative weekly, was inclined to defend them.

This ordinance was bitterly opposed by the butchers, the majority of whom refused to sell any meat so long as it was enforced, thus threatening the city's food supply. Two of their number, John Carpenter and Jacob Arden, were bold enough to sell beef at a price above that set by the ordinance, the latter declaring "that he would Sell his Beef for four pence half penny pr pound in Spite of all that the wise heads that made the Law Could do."[2] For this attitude, Arden was deprived of his "freemanship," thus entailing the loss not alone of the political right to vote, but also of the industrial privilege of engaging in trade or business within the limits of the city.

More potent than the opposition of the city butchers was that of the nearby farmers who supplied the markets with meat. They soon brought pressure to bear upon the assembly to pass a bill nullifying the assize established by the municipality.[3] After its passage in the lower house the bill was sent to the legislative council. At a hearing before this body, the bill was opposed by a committee of the Common Council who held that the proposed law impaired the chartered rights of the city and caused its rejection.[4] This occurred about a year before the passage of the Stamp Act. Agitation was in the air, and the country people were unwilling to admit defeat at the hands of the municipal gov-

[1] *M. C. C.*, vol. vi, pp. 337-342.
[2] *Ibid.*, pp. 360-361.
[3] *Ibid.*, p. 360.
[4] *Jour. Legis. Coun.*, vol. ii, p. 1530.

ernment. They boldly proclaimed that as free Englishmen they had a right to sell their provisions at their own prices.[1] Accordingly they agreed to establish a storehouse at Tarrytown, where the inhabitants of New York might purchase provisions, and at the same time planned to lay a twenty-shilling tax on the owner of any vessel leaving there with supplies for the city markets. This vigorous resistance brought results, and made the Common Council feel that the prices it had fixed were too low; so the board removed from the assize several features which were objectionable to the country people.[2]

We ask this final question concerning the markets: Was their operation in the city of New York a success? Whatever may have been the benefits derived from the markets in the early years, they did not prove satisfactory toward the close of the colonial period. The common council, in the interests of the older markets, continually blocked attempts to establish new ones in the northern part of the city. Thus the increase in their number did not keep pace with the growing population, and, as we saw, not until after 1740 were the much-needed markets erected. Popular dissatisfaction with inadequate accommodations and the poor quality of food offered for sale, together with the high prices, caused considerable discontent in the later period.

From the foregoing review, it is evident that the common council, in shaping its economic legislation, had always to consider the attitude of neighboring counties. We have seen that on one occasion the clamor from these outside districts nearly persuaded the provincial legislature to nullify a municipal ordinance on market prices. Other by-laws of the common council, especially those on hay and

[1] De Voe, *op. cit.*, p. 147. *Gazette*, Sept. 19, 1763.

[2] *M. C. C.*, vol. vi, p. 362.

wood, were intended to protect local inhabitants from the sharp practices of the country people. These regulations caused ill-feeling between the city and the surrounding counties of Queens, Kings, Richmond, and Westchester.

To enforce proper inspection, hay, according to one ordinance, could be unloaded only at designated places.[1] For a long time, hay had been sold by the load or by the half load, but this method was found by experience to be very uncertain, and controversies ensued between rural boatmen and city cartmen. In the interest of its constituency, the common council passed an ordinance providing for a hundred-weight measure, to be determined by "weighing machines," set up in various parts of the city.[2] They were operated by persons whom the common council appointed as inspectors, and the work of weighing proved so profitable that one alderman obtained permission to erect a "Hay Machine" near the Oswego market.[3] The municipal scales proved very expensive in construction; one of them, for example, which cost £79, proved a complete failure.[4] For a number of years no further action was taken by the common council, despite many complaints that hay, improperly cured and generally poor, was offered for sale. Twice a committee of the board was appointed to devise means of settling this difficulty, but not until 1773 was a comprehensive by-law passed.[5] It placed responsibility for the quality of the hay upon the city cartmen, who were ordered, on penalty of a fine of ten shillings for every load, to make sure that it was sufficiently dried. Disputes arising under this ordinance were settled by a novel method of arbitration. An inhabitant who believed he was being defrauded could apply to one of the magistrates for an examination of the hay by

[1] *M. C. C.*, vol. iv, p. 119. [2] *Ibid.*, vol. vi, pp. 298-300.
[3] *Ibid.*, vol. vii, pp. 423, 427. [4] *Ibid.*, vol. vi, p. 322. [5] *Ibid.*, pp. 430-432.

a committee of three, to be appointed by the owner, the purchaser or an inspector, and the magistrate, respectively. The alderman based his judgment on the report of these three men, and placed costs of examination upon the loser. The prospective buyer, as an inhabitant of the city, naturally had, in such cases, the advantage of being usually favored by the alderman, who would not be likely to incur the displeasure of his constituents. The operation of this statute did not tend to promote good feeling between the city and its neighbors.

Regulations on the sale of cordwood in the city caused an open clash with Richmond County, whence this commodity was mainly obtained. A scarcity of wood at times occurred, and in 1759 prices rose to the high level of £3 10s per cord.[1] Besides, many residents claimed that the wood on sale was of short measure, and the common council thereupon passed an ordinance stating in its preamble that "frequent Abuses have been Committed, and are likely to Continue, in the sale of firewood for want of a more Certain method of Admeasurement."[2] It was therefore ordered that no firewood brought to the city in boats should be landed until sold, thus permitting proper measurement as it left the vessel. It was to be distributed in cords eight by four feet and measured by inspectors who were engaged for this work by the common council at a compensation of four coppers per cord. The payment of this fee was divided between buyer and seller. The wood sellers of Richmond naturally were aroused by this ordinance and sought to nullify it. Through their representatives in the assembly, a bill was introduced regulating the sale of firewood brought into New York. Sharp debate followed in which the city was assailed as a "dirty Corporation," while in reply its repre-

[1] De Voe, *op. cit.*, p. 136.

[2] *M. C. C.*, vol. vi, pp. 320-321.

sentatives defended the municipal ordinance on wood as being the only way of compelling grasping Staten Island dealers to give full measure to the city's poor.[1] The bill passed the lower house, over the protests of the city's assemblymen, but through the efforts of the recorder, who pointed out that the charter rights of the corporation were being abridged, the governor's council defeated the measure.[2]

This chapter, dealing with the economic legislation of the city, began with a reference to mercantilism. It has been shown that this policy, the keynote of which was close governmental supervision, pervaded the ordinances of the common council on commerce and local trade. But in no field did the corporation exercise more control than in the granting of the "freedom" of the city. To-day this is merely a complimentary privilege bestowed upon a distinguished visitor by a municipality as a token of honor. In former times, however, this grant really meant a very definite thing; for it made the recipient a "freeman" of the city or, more specifically, a member of the municipal corporation, known in this case as the "Commonalty of the City of New York."[3] As such he possessed certain political and industrial privileges. His political rights empowered him to vote for elective officers. His industrial benefits are seen from the following regulation, that no one was to "Keep shop, or sell or Expose to Sale any Goods or Wares by Retail, or Exercise any Handy Craft Trade or Occupation, but such as are Freemen."[4] One became a freeman by applying to the common council, and, after being admitted, by paying a fee, ranging from £3 for a mer-

[1] Broadside addressed to "The Representatives in General Assembly," printed by John Holt, Feb. 1774, in Library of N. Y. Hist. Society.

[2] *M. C. C.*, vol. vii, p. 136. *Min. Leg. Coun.*, vol. ii, p. 1580.

[3] *Col. Laws*, vol. ii, p. 576.

[4] *M. C. C.*, vol. iv, p. 96. Kent, *Charter of the City of New York*, p. 154.

chant or shopkeeper to twenty shillings for a manual worker. The candidate then took an oath under the injunction, "Obeysant and Obedient Shall ye be to the Mayor and Ministers of this City," and further swore to accept summons, to take turn at the watch, to pay his taxes, and to warn the mayor of any "Gatherings Conventicles or Conspiracies made against the Kings Peace." [1]

At times, the freedom was bestowed gratuitiously upon a prominent visitor or upon some one who had performed an important public service. A new governor on arrival was usually thus complimented by the corporation. Captain Sir Peter Warren, for exploits against the French, received the freedom of the city, as well as the generals, Shirley, Monckton and Gage,[2] Andrew Hamilton, the Philadelphia advocate, who successfully defended John Peter Zenger against the libel charges preferred by Governor Cosby, was similarly complimented.[3] Once three sailors attached to a vessel moored in the harbor, received the freedom of the city for conspicuous gallantry in helping to extinguish a dangerous fire. However, only a small number of complimentary "freedoms" were granted, the great majority being compulsory. Regardless of rank, occupation or sex, independent workers of the city were required to apply for a "freedom." The trading class, such as merchants, shopkeepers, and retail dealers, the artisans including coopers, carpenters and tanners, as well as midwives, doctors and teachers, all were obliged to become freemen or freewomen.[4]

The activities of certain classes of freemen were often subject to strict regulation by the common council. This

[1] *M. C. C.*, vol. iv, p. 121, as of the year 1731.

[2] *Ibid.*, vol. iv, p. 44; vol. v, pp. 229-230; vol. vi, pp. 271, 446.

[3] *Ibid.*, vol. iv, pp. 277-278.

[4] *Burghers of New Amsterdam and the Freemen of New York, op. cit., passim.*

was illustrated above in the ordinances determining prices to be charged by the city bakers and butchers. Equally specific were municipal by-laws regarding trucking business within the city. A considerable number of persons gained their livelihood from this occupation, since many carts were needed in moving merchandise to warehouses, flour and provisions to ships, and foodstuffs to market. In fact, the city faced no inconsiderable traffic problem early in its history; reckless driving not being solely a modern evil in the city, as is evident from the newspapers of the colonial days.

Similar to modern laws was the old regulation ordaining that "Every Carman that driveth A Cart for Hire or Wages within this City Shall have the Number of his Licence fairly painted upon each side of his Cart with Red Paint, easily to be seen on the after part of the shaft." [1] Furthermore it was ruled that no driver should refuse to let his horse and cart to any person who required them, and should charge only those rates prescribed by the common council. In addition, most of the ordinances, detailed in the first volume of this series, were continued in force.

Manufacturing played but an unimportant part in the business activities of the city, as is evident from the small number of freemen engaged in such occupation. However, a few manufacturing plants did exist within the city limits. In 1730 a smelting furnace for the reduction of iron ore, one of the first in the United States, was built near the corner of the present Reade and Center Streets.[2] At about the same time the Bayards erected a large building near the City Hall for the refining of sugar, but later the structure was used as a tobacco factory.[3] Glass was also worked on a small scale. Several mills for the making of nails were

[1] *M. C. C.*, vol. iv, p. 91.

[2] Wilson, *Memorial Hist. of N. Y.*, vol. ii, p. 196.

[3] *Historic New York*, vol. i, p. 95.

erected, but later suppressed by the home government.[1] Owing to this hostile attitude of Great Britain toward colonial manufactures, there were but few metal workers in the city, with the exception of the freemen who were registered as goldsmiths or brass founders; consequently there is scarcely any mention of them in common council ordinances.

The making of wearing apparel was developing slowly during the later colonial period. Hats were made extensively, as is seen from the number of freemen enrolled as feltmakers.[2] The growing interest in the manufacture of clothing is apparent in a report of Governor Sir Henry Moore to the home government.[3]

Leather making was quite an important occupation in the city. In time the location of the tanneries was shifted northward. At first they were situated in the district known as Beekman's Swamp. But in 1744 they were not allowed any longer below Fresh Water Pond, all the old tanpits being ordered filled. This step was taken after a yellow-fever epidemic, which "Infectious Distemper," it was believed, had been caused by the presence of the "Pitts of Tanners Skinners Leather Dressers Curriers and Glovers within or too near the Populous and Most Inhabited part of this City."[4] Here we have an early instance of the exercise of the city's police power in the interest of public health, for the entire tanning industry was thus moved to the north of Fresh Water Pond in the Out Ward. Though this change was forced upon the tanners, it was not without its mitigating circumstances. The new location was quite favorable, for tanners were given full privilege to dig pits and to draw water from the pond.[5]

[1] *Col. Docs.*, vol. vi, pp. 604-605.

[2] *Freemen of New-York, op. cit., passim.*

[3] *Doc. Hist.*, vol. i, p. 498.

[4] *M. C. C.*, vol. v, p. 119.

[5] *Ibid.*, p. 161.

Several brickyards were conducted to meet the needs of a growing community. As this work required considerable fuel, local brickmakers, having establishments in the lower part of the city, found it difficult to secure sufficient supply. For a time they felled trees in the Commons, but the common council generally prohibited this practice.[1] Though several favored individuals were privileged by the board to dig clay pits and set up brick kilns on the Commons, at rentals of from ten to twenty shillings, less fortunate persons were compelled to lease ground further north.[2]

One manufacturing industry not under the ban of the home government was shipbuilding, which became so extensive as to excite comment from visitors to the city. It gave employment to many hands and it accounts for the numerous freemen registered in the city records as "ship carpenters" and "ropemakers."

The several groups of freemen naturally exerted pressure upon the common council whenever their interests were concerned. As one would expect, this power varied with the different economic classes, for the artisans or "mechanics," though numerically strong, were far less influential than the merchants. We find that the response of the governing bodies to petitions depended to an extent upon this fact: whether or not these came from persons of consequence. For a number of years, city freemen engaged in the building trades, carpenters and bricklayers in particular, found active competitors in persons coming from the surrounding country, especially New Jersey. These were said to stay out of the city until after the collection of taxes. As a result local mechanics, who were under the expense of paying municipal taxes, complained that non-residents were

[1] *M. C. C.*, vol. iv, pp. 111-112. [2] *Ibid.*, p. 484; vol. v, pp. 22, 325.

" offering the Service of themselves, Journeymen and Servants, at Sundry places, and as many Sundry times at a Rate of 20 or 30 Pounds per Job or distinct article of Workmanship less than has been agreed upon by us." [1] Such outsiders did not even patronize local tradesmen, " not so much as buying a pair of Shoes in the City of New York, but frequently bringing Nails and other Materials for Building & along with them from the Jerseys and other provinces." To check such ruinous practices, a petition with about one hundred signatures was presented to Governor Clinton, but it encountered rather a cold reception. He turned the matter over to his councillors, one of whom, Daniel Horsmanden, also holding the office of city recorder, carefully analyzed it. He sought to discredit the list of signers, claiming that there were several forged names and adding that " the Bulk of the persons who may be supposed to have subscribed their Names are obscure persons altogether unknown to us in person and name excepting a very few of them." Finally Horsmanden, who was always more considerate when matters involving the interests of the local merchant aristocracy were at issue, dismissed the whole subject by recommending that the petitioners apply to the mayor's court.

After similar rebuffs these artisans came to understand fully the value of concerted action, and, as early as 1767, the " Friendly Society of Tradesmen, House Carpenters " was organized.[2] The age limits of members of this body were twenty-one and forty. Stated monthly meetings were held, at which any disorderly or drunken persons were heavily fined; in fact it appears that one of the purposes of the organization, in addition to regulating business,

[1] Manuscript in the papers of Daniel Horsmanden, in Library of N. Y. Hist. Society.

[2] Broadside entitled "Articles and Regulations of the Friendly Society of Tradesmen, House Carpenters," dated, March 10, 1767, in N. Y. Public Library.

was to put a check on inebriety. Benefit features were also included in the constitution, for sick members received fixed sums every week they were unable to work. The lodge also met the expenses of a brother's funeral, which all were expected to attend.

Thus organized, these workers were better able to force their demands upon the government. In 1769 they called the attention of the common council to the fact that "a Considerable Number of Country Carpenters have for Some years past Come into this City in the Summer Season and followed their Trade and in the fall Return again to their familys without paying any Taxes or assessments."[1] On this occasion action was apparently taken which differed much from that referred to above, for a committee of the board was immediately appointed and ordered to report "with all Convenient Speed." Other illustrations of the power of the carpenters are not lacking. Their organized opposition was partly instrumental in suspending the operation of an act concerning the roofing of houses in the city.[2]

But even more efficiently organized were the local merchants, and they consequently exercised great influence over the common council. In later years this was wielded mainly through the chamber of commerce, founded in April 1768.[3] The meeting place of this body was the "Merchant's Exchange," at the lower end of Broad Street. This building, originally intended as a place for such gatherings, was erected in 1752 by subscriptions from the inhabitants and by appropriations from the corporation.[4] The work of construction was conducted by the common council, which made up all specifications.[5] Upon completion, the building

[1] *M. C. C.*, vol. vii, p. 177.

[2] *Vide infra*, chapter on "Fire Protection."

[3] Stevens, *Colonial Records*, pp. 3-4.

[4] *M. C. C.*, vol. v, pp. 367-368, 375.

[5] *Ibid.*, pp. 380-381.

was rented to several persons successively until, in 1769, the corporation granted the use of the Exchange to the chamber of commerce, at an annual rental of £20.[1]

The express purpose of the chamber of commerce was the "adjusting disputes relative to trade and navigation and procuring such laws and regulations as may be found necessary for the benefit of trade in general."[2] The latter object was fully attained, for upon several occasions the organization directly requested the common council to pass certain regulations, and in this it was uniformly successful. When such favors were desired, a committee of the chamber usually approached the mayor and laid the proposed ordinance before him. At one time there was an urgent request from the chamber of commerce for a more effective ordinance on the cutting of lumber; so a committee communicated this desire to the mayor.[3] Not long thereafter he submitted a draft of such ordinance to the chamber of commerce, which, after careful consideration, gave its approval, and it was soon incorporated in an ordinance by the common council.[4]

Local export merchants were always solicitous for a proper supervision of the packing of meat; for it was to their interest to supply products of high quality for foreign markets. We have seen above that the common council made ample provision in this respect, and these municipal regulations were maintained in full force, due to constant pressure of the merchants upon the board. On several occasions amendments to the rules on the packing of beef and pork were recommended to the mayor, who in turn submitted the suggestions of the chamber of commerce to the common council.[5] This body did not go through the for-

[1] *M. C. C.*, vol. vi, pp. 3, 47, 78; vol. vii, p. 149.

[2] Stevens, *op. cit.*, p. 3.

[3] *Ibid.*, p. 59.

[4] *M. C. C.*, vol. vii, pp. 197, 226.

[5] Stevens, *op. cit.*, pp. 63, 70-71.

mality of incorporating the proposals in an ordinance, but it appears that thereafter they were followed by the public inspectors of meat.[1]

The purpose of this chapter has been to sketch briefly the business activities in colonial New York and to indicate the tendencies in the legislation of the common council in the several fields. It was noted that, in regulating its commerce, in inspecting the commodities for exportation or for home consumption, in solving its excise problem, in controlling its public markets, and in granting industrial privileges to its freemen, the corporation acted in harmony with the principles of paternalism. It was also observed that the economic interests of the city of New York lay mainly in commerce, so that trade, not land or manufactures, formed the basis of its wealth. Not alone were wholesale merchants, traders, and retail shopkeepers dependent upon this pursuit for their livelihood, but also it gave occupation to many other inhabitants. The inspectors of commodities, cartmen who handled merchandise, distillers of liquors, millers, bakers supplying flour and bread for the export trade, and coopers making casks for meat packing—all were more or less concerned in the welfare of the city's commerce. This accounts for the extensive influence of the merchants over the common council and the frequent shaping of municipal regulations to suit their wishes. In contrast to this economic group were the artisans, who were weak politically despite their strength in numbers. Though these merchants and mechanics had interests in common, it was seen in the previous chapter that certain factors, at times, operated to bring about a clash between them.

In addition to this division between merchants and artisans within the municipality, as we saw, there existed

[1] *M. C. C.*, vol. vii, pp. 209-210.

a conflict of interests between the city as a consumer and the surrounding counties as producers. It was shown above. that the city, dependent as it was upon the outside region for its food supply, sought to regulate its sale, with a view to benefit its own residents. Dissatisfaction with the ordinances of the common council frequently resulted, and the country people had recourse to the assembly, where the votes of the rural interests were usually sufficient to overwhelm any opposition from the representatives of the city. Fortunately for the municipality, the upper house proved friendly and blocked hostile legislation. Citing the instances of the failure of assembly bills to regulate the city markets and the sale of firewood, one is led to the conclusion that the city was successful in resisting the attacks of the surrounding counties against the municipal laws dealing with certain business activities.

Finally, there persisted a more extended conflict, one between the colony as a whole and the home government. The latter exercised a significant jurisdiction over the economic interests of the city, especially over the manufactures. True to the mercantilist principle that colonies existed only for the benefit of the mother country, and that all manufactures should be a monopoly of the realm of England, every effort was made to suppress them. The study of manufactures in the city within the period under review discloses a growing interest in this field, notwithstanding the restrictive acts of the British government. This hostility caused widespread dissatisfaction in New York, and the ill feeling was further intensified as the profits in the export trade declined with the growth of competition from New England and Pennsylvania in foreign markets. The crowding of capital in commerce and the consequent decreasing returns were fully appreciated by Lieutenant Governor Clarke, who, in 1736, wrote as follows: " The Markets for your Flour (the

present staple of the Province) are already so much overdone, by the great Importations that are made to them, from this and other Northern Colonies, that unless some Manufactures be set on Foot, that are wanted in Great-Britain, or do not interfere with theirs, there will be no Way to imploy the People to any Advantage." [1] These views were not shared by the home government, and the policy of suppression was continued, thus widening the breach between colonists and mother country.

[1] *Assemb. Jour.*, vol. i, p. 689.

CHAPTER IV

Administration of Charities and Correction

Municipal ordinances dealing with charities and correction may be placed under three heads, as they relate to paupers, to the sick and to prisoners. Solving the problem of relieving the needy was rendered difficult because of the tide of immigration which was pouring into New York even in colonial days. Foreigners often landed in port robbed of their last penny by avaricious sea-captains and sick from bad rations, foul water and crowded conditions on shipboard.[1] Other immigrants arrived only to meet with disappointment and to find no opportunity to ply their trades. We read of certain Yorkshire weavers who, upon arriving here, could find no employment.[2] Military necessity occasionally drove refugees to this city. A number of Newfoundland families who sought protection from the raids of the French, in 1762, had to be cared for by the municipality.[3]

It was not due to lack of legislation that paupers were permitted to land, for the province had required masters of vessels to inform the mayor, within twenty-four hours after arrival, of the identity and the condition of their passengers.[4] If, upon examination, immigrants were considered unfit, either they were shipped back to the port of embarkation,

[1] *M. C. C.*, vol. vi, p. 9.
[2] *Doc. Hist.*, vol. i, p. 498.
[3] *M. C. C.*, vol. vi, pp. 297-298.
[4] *Col. Laws*, vol. ii, pp. 56-61.

or else the captain gave £50 as security to indemnify the local government. Although the mayor was thus vested with full powers to exclude undesirable immigrants, he was usually lax in enforcing the law.[1]

An act passed in 1693 provided for a poor rate which was to be administered by a board of vestrymen and wardens, who, notwithstanding their title, were civil and not ecclesiastical officers, elected annually by the voters of the city.[2] For many years this election occurred on the second Tuesday in January, but in 1770 the date was changed to September 29, the day for the regular municipal elections.[3] At first ten vestrymen were chosen, but after 1745, there were fourteen, two being returned from each ward. In addition, two wardens were elected from the city at large. The vestry of the municipality was in no way associated with that of Trinity Church, for each board conducted its affairs independently of the other. The former was a civil body, the latter was ecclesiastical. The members of the city vestry were usually dissenters, and at times clashed with the Trinity board. This is shown by a dispute over a charitable bequest which had fallen to the latter, but which was claimed by the former also.[4]

At first the poor rate was collected in winter, but this time of the year proved inconvenient because the weather was then at its worst, and "Family expenses were higher than at any other season."[5] Therefore, in 1775, the date of assessment was postponed to the first Tuesday in May, and collections likewise were deferred. The annual revenue

[1] *Independent Reflector*, Dec. 28, 1752.
[2] *Col. Laws*, vol. i, pp. 328-331.
[3] *Ibid.*, vol. v, pp. 85-86.
[4] Dix, *Hist. of Trinity Church*, vol. i, p. 245.
[5] *Col. Laws*, vol. v, p. 719.

from the poor tax rose steadily to several thousand pounds in the later years of the colonial period. During times of stress, such as followed the passage of the Stamp Act, even this large fund proved insufficient to relieve the needy, and the common council gave £200 from the city treasury to wardens for the aid of the poor.[1] Although the actual distribution of the poor fund was the task of the wardens, they acted usually on an order from the mayor's court.[2] This body heard appeals for aid, and, if the applicants were considered deserving, the court ordered the wardens to pay specific sums.

For want of a municipal poorhouse, the city's paupers were boarded at public expense in private families, but this system was economical only so long as such recipients were few in number. The necessity of an institution for the work of charities and correction came, in time, to be generally felt. The Montgomerie Charter, in 1731, took official recognition of this need by empowering the corporation to construct an almshouse.[3] In December 1734, the common council finally voted in favor of the proposal.[4] The undertaking was financed by means of appropriations from the city treasury, not from the poor fund; and by March 1736, the new almshouse, a two-story brick structure, stood ready for occupancy, near the site of the present City Hall.[5]

The new building served a threefold purpose. In the first place, it was used as a house of correction, where unruly servants and disobedient slaves might be sent by their masters to be whipped. It also served as a workhouse for all " Beggars, Servants running away or otherwise misbehaving themselves, Trespassers, Rogues, Vagabonds, poor

[1] *M. C. C.*, vol. vi, pp. 403-404.

[2] Minutes of the Mayor's Court, Nov. 19, 1723, *et seq.*

[3] *Col. Laws*, vol. ii, p. 617.

[4] *M. C. C.*, vol. iv, pp. 240-241, 250-251.

[5] *Ibid.*, p. 307.

persons refusing to work." [1] Lastly, it was an almshouse for paupers, both old and young. The former were put to work at spinning or at farming, but young paupers, however, were generally hired out as apprentices to inhabitants of the city.[2]

In March, 1736, the common council advertised for a suitable keeper and, after several applicants had been heard at the City Hall, the position was awarded to John Sebring at an annual salary of £30, together with board and lodging for himself and family.[3] In addition to this allowance, the keeper generally received, for every servant or slave whipped, 1s 6d from the master. The lash was actually wielded by the public whipper, who was hired at the expense of the corporation, and it is interesting to note that a certain keeper was allowed £20, besides his regular salary, to indemnify him for "the many perquisites he has lost Occasioned by the said House of Correction Being Without any Whipper for a Considerable time." [4]

At the monthly meeting of the city vestry, matters concerning the administration of the almshouse were discussed, and instructions were given to the keeper. If he failed to observe them, the vestrymen could petition the common council for his dismissal, as in the case of one Robert Provoost, who was discharged for failure to obey the vestry's orders.[5]

The aldermen were naturally much interested in the administration of the almshouse. As members of the common council, they voted the appropriations, and, on two occasions, they issued instructions regarding the management of charities. In 1736 a report containing detailed directions

[1] *M. C. C.*, vol. iv, pp. 309.
[2] *Post-Boy*, June 18, 1750.
[3] *Ibid.*, vol. iv, pp. 307.
[4] *Ibid.*, vol. vi, p. 385.
[5] Petition, dated May 30, 1755, in filed papers, city clerk's office.

was presented by a committee of the common council,[1] and ten years later fifty copies of an "Essay on the duties of the Vestrymen" were printed at the expense of the corporation.[2] As justices, the aldermen also had intimate dealings with affairs relating to charities and correction. In the mayor's court they committed paupers to the almshouse; and in the court of quarter sessions they placed petty criminals in the custody of the keeper of the workhouse.

From the above review, it must be apparent that the administration of the work connected with relieving the poor lacked centralization, entrusted, as it was, to keeper, wardens, vestrymen, and aldermen. With responsibility thus divided, it is little wonder that peculation existed.[3] The larger part of the charitable work in the city was always supported by private individuals, societies and churches, without any connection with civil relief.

Besides the relief of the poor, another form of public charity was the care of the sick. At first the municipality performed this function only on a small scale, by paying the fees of a local doctor for his attendance on sick paupers. Later, in order to protect the community from contagion, the sanitation work of city government was developed, a system of quarantine established, a pesthouse built, and a hospital supported.

In June 1738, a temporary quarantine was instituted on Bedloe's Island to prevent smallpox from being brought into the city by vessels hailing from South Carolina and other places where the dread disease was then raging. The provincial council entrusted to the mayor of the city the exe-

[1] *M. C. C.*, vol. iv, pp. 307-311.
[2] *Ibid.*, vol. v, p. 213.
[3] Report of Peter Curtenius, in filed papers, city clerk's office.
[4] *Ibid.*, vol. iv, p. 429.

cution of quarantine regulations. These required pilots to steer all suspected ships to Bedloe's Island, where a doctor inspected all persons on board, and, if his report was satisfactory, the mayor was empowered to grant the captain permission to proceed up the harbor.[1] The corporation continued to perform this inspection until 1755, when the province assumed exclusive control of quarantine regulations.[2]

In 1758 the common council purchased all of Bedloe's Island in order to erect a building for the reception of persons afflicted with contagious diseases.[3] Two years later the structure was completed, and sick persons were removed from Manhattan to this island.[4] In 1773 the corporation erected barracks on the same island, and later a number of British soldiers were placed in these quarters.

Of considerable importance to the welfare of the city's poor would naturally be the erection of a hospital. Such an institution was established in 1771, through the royal letters patent granted in the name of King George III. The original style of this corporation was "The Society of the Hospital in the City of New York in America," its present name, "The Society of the New York Hospital," having been adopted in 1810, although it has always been popularly called the New York Hospital. As chartered, it was semi-public in character, the mayor, the recorder, the aldermen, and even the assistant aldermen, being ex-officio members of its board of governors. Both provincial and city governments made liberal gifts to the institution, the legislature voting an appropriation of £800 annually for twenty years, and the municipality offering, as a site for the hospital, a

[1] *M. C. C.*, vol. iv, p. 429.
[2] *Col. Laws*, vol. iii, pp. 1071-1073.
[3] *M. C. C.*, vol. vi, pp. 124-125.
[4] *Ibid.*, pp. 162, 203; vol. vii, p. 429.

lot of land 124 by 248 feet in front of the Commons, a tract including the present City Hall Park.[1] The governors of the institution, however, decided upon a five-acre plot of ground west of Broadway, between Duane and Worth Streets, and asked for a cash bonus in lieu of the land. The common council responded by bestowing £1,000 upon the hospital and, in addition, by offering a house as temporary quarters. It is said that $18,000 was spent in building the hospital, the corner-stone of which was laid in 1773, but which was destroyed by fire when nearly completed in 1775. A year later it was rebuilt, but the outbreak of the Revolution prevented its utilization as planned. It was requisitioned by the State of New York for American soldiers and later occupied as a barracks for Hessian troops.

Passing from a consideration of the maintenance of the poor and the sick, we turn to a study of the punishment of criminals. In this survey we must remember that New York in the colonial period merely followed harsh practices common during the eighteenth century. In addition to debtors and offenders against its own ordinances, the corporation was required to support in its jails, and also to punish, prisoners of the province, including felons, pirates and captives of war. This task was performed by the municipality, with scarcely any subsidy from the province.[3]

For many years the corporation used the basement of the City Hall as a jail and imposed upon the supervisor of the watch the duties of prison keeper.[4] For this service he was given rooms in the building and lodging for his family, and was usually allowed by the mayor's court four shillings

[1] *M. C. C.*, vol. vii, pp. 311-312, 364.

[2] Stevens, *Colonial Records*, p. 344.

[3] *M. C. C.*, vol. vii, p. 335. Colden, *Letter Book*, vol. i, p. 358.

[4] *M. C. C.*, vol. iv, pp. 325, 370.

a week for the board of each prisoner who might be "an object of charity." [1] Prison quarters in the City Hall were retained until 1759, when a new jail was constructed in the Fields, at the northeast corner of the present City Hall Park.[2] Andrew Burnaby, a widely traveled Englishman, observed that it was one of the finest prisons he had ever seen.[3] Indeed, it was a solidly built brick structure with double floorings and considerable iron work. Though commonly known as the "New Gaol" it was also called the Debtors' Prison.[4]

The time came when the accommodations of even the New Gaol were found inadequate. One reason was the overcrowding of the building through the imprisonment of numerous French and Indian captives. Another cause for the need of additional quarters was the new municipal policy of segregating from the more hardened criminals those prisoners who were confined for debt or for light offences.[5] To carry out this plan two rooms of the new jail were set aside until an additional building could be erected.

It was not till after considerable delay that the common council began to deliberate on the plan and site of the "Bridewell," as the new structure was to be called. The site for the building was finally decided upon in the Fields, on what is now Murray Street, on a line with the new jail and the almshouse.[6]

Upon its completion, in 1775, the bridewell, a grey stone structure of two stories and basement, was undoubtedly the most imposing public building erected on Manhattan Island during the colonial period. Historic landmarks were

[1] *M. C. C.*, vol. iv, p. 422. Minutes of Mayor's Court, *op. cit., passim.*
[2] *Col. Laws*, vol. iv, pp. 355-357.
[3] Burnaby, *Travels*, p. 83.
[4] *Historic New York*, vol. ii, p. 97.
[5] *M. C. C.*, vol. vii, p. 87.
[6] *Manual* (1862), p. 553.

rapidly erased, owing to the development of the lower city, but the bridewell remained for over sixty years in the busiest section of lower Manhattan. The building served the British as a prison for American soldiers captured during the Revolution; and it is said that, at one time, over eight hundred prisoners were crowded into it, although the structure was not expected to accommodate half that number.[1]

The corporation was not fortunate in its choice of prison keepers. We noted that the duties of this position at first had been regarded as so simple that it they been delegated to the supervisor of the watch. In 1738 the two offices were separated, and the common council appointed as jail-keeper one James Mills, who was given rooms in the City Hall for himself and his family.[2] The board, in 1753, chose as jailer a man named John Christie, who held the position until his death, in 1756.[3] This incumbent did not prove satisfactory, for, among the several bills he submitted for the board of criminals confined in the prison, was one for £86, which sum was considered "very unjust and unreasonable."[4] When the new jail was completed, the common council once more appointed as keeper James Mills, and his service again was not free from serious fault. At one time he was charged before the supreme court with maltreating prisoners under his care and was also indicted for extortion by the grand jury.[5] Notwithstanding this presentment, the corporation retained Mills as keeper, and he continued to serve in this capacity until his death, in 1771.[6]

[1] *Journal of Oliver Woodruff*, Westervelt collection, N. Y. Pub. Library.

[2] *M. C. C.*, vol. iv, p. 422.

[3] *Ibid.*, vol. v, p. 430.

[4] *Ibid.*, vol. vi, p. 63.

[5] Petition, dated Aug. 21, 1769, in filed papers, city clerk's office.

[6] *M. C. C.*, vol. vii, p. 335.

When the bridewell was established, with its separate quarters for debtors and persons confined for light offences, an additional keeper became necessary. Though the idea of a civil service examination was apparently not thought of by our early city fathers, still they were open minded enough to advertise their willingness to receive proposals from individuals desiring to apply for the position of custodian of the bridewell. From among the candidates the common council selected William Dobbs, who received a salary of £35 annually, and was also entitled to any profits he might derive from hiring out prisoners per diem to the inhabitants.[1] In addition the keeper was paid for boarding poor prisoners and was also supplied with sundry material such as straw, coal and wood.

The tenure of William Dobbs as bridewell keeper was threatened in August 1769, when John Cox, a prisoner in the new jail, applied for the same position.[2] In his petition to the common council he offered to give security, and also to reduce the expense to the corporation for maintaining the prison, by feeding the inmates at his own expense. In spite of these proposals, the common council deemed it unwise to leave any of its charges to the care of a former prisoner, and it reappointed William Dobbs, who continued as keeper until his resignation, in 1773.[3] He was succeeded by one Alexander Montcriff, who held the position until the Revolution.

Sanitary conditions in the city prisons were scarcely commendable. Smallpox on one occasion appeared among the prisoners. Occasionally precautions against disease were taken, as is shown in the following extract from the *Mercury*: "Nine of the Indians who have for some Time past

[1] *M. C. C.*, vol. vii, pp. 89, 92, 213.

[2] *Ibid.*, 176.

[3] *Ibid.*, pp. 414, 435.

been confined in the New Goal, were sent to several Goals on Long Island, lest any infectious Disorder should arise from the Confinement of so many persons together." [1] Free medical inspection was accorded to poor inmates of the city prisons when need arose; for example, a doctor was allowed £23 for attendance on poor persons in the new jail.

Conditions in the municipal jails were not considered satisfactory even by contemporary authorities. Provincial officers found much to complain of in the prison administration of the corporation; sheriffs protested constantly to the common council; a chief justice condemned the jails; and a grand jury brought in findings against the cells in the City Hall.[3] Here quarters were abominable, but even in the new jail and in the bridewell little attention was accorded to the comfort of these unfortunates. The suffering in winter is described by the *Journal,* which states that "the Distress of the Prisoners confined in the Goal of the City appears to be very great, they being in want not only of Firing but even the common Necessaries of Life." [4] The unhappy inmates would occasionally issue an appeal for public aid through an advertisement such as the following: "Besides our Misfortune of Confinement, we are under great Necessity for want of Firing, not having at this time [March] one Stick to burn; nor have not had for several Days, and unless we are relieved by some charitably disposed Persons, we must unavoidably perish in this Place." [5]

Fortunately for the prisoners, private agencies were more helpful than was the government, and these responded generously to the appeals of the inmates. The distressful case described in the notice above was relieved by private sub-

[1] *Mercury,* Sept. 17, 1764.
[2] *M. C. C.,* vol. vii, p. 411.
[3] *Ibid.,* vol. iii, p. 359.
[4] *Journal,* Feb. 6, 1772.
[5] *Post-Boy,* March 11, 1751.

scription.[1] Benefit performances were also held in the local theatre, part of the proceeds being contributed to the relief of prisoners. Nor did the church neglect this opportunity for dispensing worthy charity. Ministers also offered their services in another way, for criminals condemned to death on the gallows were usually offered the solace of religious instruction.[2]

The wretched condition of the jails gave prisoners additional reason for efforts to escape, and for this opportunity was not lacking. According to the *Minutes of the Mayor's Court*, it seemed impossible to keep a prisoner within the cells of the City Hall, once he had determined to leave. The newspapers also contain accounts of many daring escapes. As part of the responsibility for the safekeeping of prisoners rested upon the sheriff, he usually advertised the escape of criminals and offered a reward for their capture.[3] The keeper of the jail also shared in the blame for such derelictions and occasionally gave £5 for the return of a fugitive.

Besides imprisonment, other means of correcting offenders were used, whipping being the commonest. For acknowledging himself to be a Roman Catholic, one resident, in 1745, was so unfortunate as to receive eleven lashes on the bare back, and for stealing a handkerchief another was given nine stripes.[4] Either the whipping took place in front of the house of corrections, or, else the criminal was tied to a cart and paraded through the streets.[5] Such punishment was not confined to men alone. At one time eleven women of bad reputations were disciplined at the whipping post.[6] Other means of punishment, so popularly associated

[1] *Post-Boy*, March 18, 1751.
[2] *Journal*, Feb. 12, 1767.
[3] *Post-Boy*, June 4, 1750.
[4] *Minutes of Court of General Sessions*, May 8, 1745.
[5] *Mercury*, Feb. 11, 1760; *Post-Boy*, Nov. 27, 1752.
[6] *Ibid.*, Aug. 11, 1755.

with colonial times, are seldom mentioned in the records of the period under review. To the ducking stool no reference can be found, and even the stocks cease to be mentioned in the minutes of the common council after 1740.[1] One newspaper, so late as 1764, states that "a New Pillory with a large Wooden Cage behind it, was erected between the New Goal and the Work House. The Cage is said to be designed for disorderly Boys, Negroes, &c. who publickly break the Sabbath."[2]

The number of criminals hanged in the city was appalling, for the old English penal code with its numerous capital offences lost little of its severity as enforced in the colony.[3] At one sitting of the supreme court, three men were condemned to death on the gallows: John Higgins, for altering bills of credit, and John Anderson and Abraham Van Arnum for burglary.[4]

From the facts thus considered, several general tendencies in the administration of charities and correction may be noted. It is clear that this function was shifted almost entirely from the province to the municipality. The city fathers, in turn, were not very active in charitable undertakings, and depended to a large extent upon private aid in caring for the indigent. In dealing with its dependent classes, the city of New York, as a typical eighteenth century government, generally followed a policy which implied neglect of both health and comfort. However, with the close of the period, signs of a broader social view appear in the generous contribution toward the New York Hospital, in the building of more commodious jails, and in the separation of prisoners according to the degree of their offense.

[1] *M. C. C.*, vol. v, p. 8.

[2] *Mercury*, Sept. 10, 1764.

[3] *Vide, Minutes of Supreme Court, op. cit., passim.*

[4] *Mercury*, Feb. 1, 1762.

CHAPTER V

Keeping the Peace

The cosmopolitan population of New York contained several elements tending to promote crime. Besides the normal amount of disorder to be expected from a large community, breaches of the peace were frequently caused by the unruly acts of soldiers, sailors, slaves, and transported felons.

As New York was a garrison town, it was burdened with the presence of British regulars who were always creating trouble for the local authorities. Occasionally encounters between these soldiers and the municipal guardians of the peace occurred. One of such disturbances took place on a winter night in 1764, when a party of redcoats attempted to rescue one of their officers confined in the city jail for debt.[1] The soldiers, fully armed, advanced upon the prison, discharged their guns and forced their way through the gates. Alarm bells aroused the inhabitants and soon brought the city militia to the scene. Then followed an encounter in which several persons received serious injuries and a sergeant lost his life. A general jail delivery was halted, as, notwithstanding the confusion, only four prisoners made their escape.

The disorderly conduct of the soldiers was at times emulated by their wives, some of whom were now and then brought before the mayor's court. From the records of

[1] *Post-Boy*, Jan. 19, 1764.

that body we are informed that Frances Sutton, wife of one of the soldiers, was held by the court until she could "find justices for her good Behaviour and her Personal Appearance at the Next Sessions, for a Notorious assault and Breach of the Peace by her Committed upon Judith Roberts and Breaking of her Windows." [1]

Military officers often caused serious disturbances by leading press-gangs through the city. This was the case again and again, during the last intercolonial war between England and France, when men were sorely needed to fill the ranks and to maintain the ships of war to their full complement. At times the press was actively resisted, this resulting in bloody encounters. One Sunday morning in April 1758, one Captain Farmer, accompanied by a file of soldiers, boarded the "Charming Jenny," a ship moored to one of the city wharves.[2] He seized several sailors but four others escaped to the roundhouse, where, armed with blunderbusses, they bade defiance to their would-be captors. Captain Farmer and a city magistrate called upon them to surrender, but their only answer was a sharp volley, resulting in the death of the captain. A party of regulars then stormed the roundhouse, seized the four sailors and soon lodged them in jail under a charge of murder. On the same morning another press-gang was active in the outskirts of the city. Here a house was surrounded, but its inmates refused to answer the boisterous summons of the soldiers. The officer in command lost patience and ordered his men to open fire. One of the inmates was killed and another was wounded. This outrage was not permitted to pass unpunished, for a coroner's verdict of murder was found against the officer in charge.

[1] *Minutes of the Mayor's Court*, Jan. 20, 1724.

[2] *Gazette*, May 1, 1758.

Even more serious than these occurrences was the attempt to impress the crew of the "Samson," a formidable vessel of twenty-two guns and sixty-seven men.[1] As the "Samson" sailed up the harbor, it was hailed by a barge from the "Winchester," a British man-of-war. The crew of the merchantman knew full well the object of such a visit and opened fire as the barge came within musket range, killing four men. The "Samson" in full sail then hurried to dock. The "Winchester" followed, the aid of the lieutenant governor was quickly enlisted, and a warrant was secured from the mayor for the arrest of the seamen. These, however, outwitted the authorities, came ashore fully armed at some distance from the city, and escaped.

The size of these press-gangs was at times exceedingly large and their work was very extensive. On one occasion, the inhabitants of the city were roused from their sleep in the early hours of the morning by the heavy tramp of three thousand soldiers marching through the streets in search of men for the army.[2] From taverns and even from private houses the unfortunates were dragged, until eight hundred had been seized. Only half of this number, however, were detained. The vessels in the harbor were then visited by squads of soldiers, and many unwilling recruits were brought ashore.

How the public viewed these proceedings may be illustrated by an occurrence in 1764. Four fishermen had been taken from their boats while on their way to the city markets and had been held on board the "Leander," a ship of the royal navy.[3] Shortly after, when the captain came ashore, he found himself surrounded by a threatening mob

[1] *Col. Docs.*, vol. vii, p. 446.

[2] Ford, *Journals of Hugh Gaine* (N. Y., 1902), vol. ii, p. 8.

[3] Dawson, *Sons of Liberty in New York* (N. Y., 1859), pp. 54-55.

of angry citizens. The naval officer prudently extricated himself from this dangerous position by proceeding to a nearby coffee house and signing an order for the release of the four fishermen. A party was immediately dispatched to the "Leander" with the order, and in a short time the men were brought to land. But the mob, not fully satisfied with these amends, seized the captain's barge, dragged it through the streets to the Fields and there set it on fire. As soon as the work was accomplished, the crowds dispersed, and, when the city magistrates met in the afternoon, they discreetly concluded that it was impossible "to discover any persons in the mischief."

In the following statement Lieutenant Governor Colden also testified to the general disapproval of impressment:

> Some other Captains of His Majesty's ships had distressed the town by pressing men from the market-boats & wood boats & by other acts of severity, whereby the people in the town & country had generally received strong prejudice; and the Merchants in this port had suffered by their seamen's removing to the neighboring Colonies where they were free from any press.[1]

Since the city was a port visited by many vessels, it always contained a large transient population from which trouble might well be expected. Sailors on shore leave frequented low water-front groggeries where flourished gambling and vice, and drunken brawls occurred, sometimes ending in murder. Captains of privateers, seeking crews, made their quarters at these taverns. Here would be planned those bold, half-piratical ventures against Spanish and French commerce. Then, too, incoming ships brought numerous convicts transported fresh from English prisons to the colonies.[2] These unfortunates, without immediate

[1] *Col. Docs.*, vol. vii, p. 446. [2] *Independent Reflector*, March 5, 1753.

means of subsistence, would often steal or break into houses. Such offences had become so frequent by 1742, that the "watch," as the city police force was termed, had to be augmented, in order to maintain a more effective surveillance over the "Great Numbers of people Coming into this City from all parts: Some whereof are Suspected to be Convict ffelons: Transported from Great Britain and Ireland." [1]

In keeping order the city authorities were confronted with a serious problem arising from the presence of large numbers of negro slaves. Most of them were the descendants of blacks brought to Manhattan by slave traders, either during the Dutch period or in the early years of British occupation.[2] Comparatively few negroes were brought into New York in the later English period, as is evidenced by the census figures, which show that the negro population reached its maximum proportion about 1746, when it amounted to over one-fifth of the total population of the city.[3] From then until the Revolution the blacks declined in relative importance, as their number was increased by only a few hundreds, while the number of whites was augmented by thousands.

The slave population was located mainly in the settled districts of the city. Apparently very few were employed in farming, as one census for the Out Ward, the rural district of Manhattan, showed but forty-three slaves in that section.[4] They were usually employed in operating ferry or market boats, driving carts, hauling water and performing general domestic services.[5]

[1] *M. C. C.*, vol. v, p. 77; see also vol. iv, p. 123.

[2] *Historic New York*, vol. ii, pp. 3-11.

[3] See chapter i.

[4] Miscellaneous Manuscripts in N. Y. Hist. Society.

[5] *M. C. C.*, vol. iv, pp. 89-90, 461. *Gazette*, June 12, 1749.

Not all negroes were slaves, a considerable number of them having been manumitted. A master would appear in the court of quarter sessions and ask that freedom be given a certain black servant because of long and faithful service. The freedmen possessed legal rights to a certain degree, for we find them coming before the courts as plaintiffs demanding unpaid wages.

Of course there were many harsh masters, and at times these were upheld by the community in acts of cruelty. One of these was John Van Zandt, who, when his negro servant was brought home by the city watchmen one night, liberally applied a horsewhip upon the offender. The next morning the black was found dead in bed, and it was rumored that his death was the result of the chastisement received the night before. A coroner's jury, however, cleared Van Zandt, finding that "the Correction given by the Master was not the Cause of his Death, but that it was by the Visitation of God." [1]

It is little wonder that many blacks were at times restless and discontented because of harsh treatment, and, observing this, the whites naturally had to maintain a constant watch against uprisings. The so-called "Negro Conspiracy" of 1741 was a product of this continual anxiety. A review of this episode is of interest here, as it throws light upon the problem of guarding public safety in New York during the early days.[2] The trouble started with several robberies, in February 1741, when suspicion fell upon certain negroes who frequented the house of John Hughson, a white man of bad repute. Soon after, he was accused of having received stolen goods, of harboring negroes, and of permitting them

[1] *Journal*, Jan. 5, 1735.

[2] The best account is the *Journal of the Proceedings in the Detection of the Conspiracy* (N. Y., 1744), written by Recorder Daniel Horsmanden, who led in the prosecution of the accused negroes.

to use his house for their drunken orgies. In the following month several buildings in the Fort at the lower end of Manhattan were destroyed by fire. Within the next few weeks several small fires started here and there, but they were quickly extinguished. Certain individuals of excitable nature now believed they saw a connection between the robbery of the previous month and the recent fires. Was not Hughson seeking vengeance for his arrest? Perhaps the blacks were being supported in their mischief by the Spanish, who were supposed to have as their aim the implanting of popery in the colony of New York. This senseless hysteria was easily increased to the proportions of an epidemic. Indeed, even persons of calm judgment were fully convinced that the blacks intended to destroy the city and murder the whites. Any negro whose actions were in the least degree suspicious was immediately arrested, so that in a short time the jails were overcrowded. A proclamation offering a reward to informers soon brought forward a white woman, Mary Burton, who was willing to manufacture such evidence as the magistrates were obviously eager to secure. Her wild and impossible stories added to the consternation. The militia was called out. Hundreds of inhabitants moved their household belongings from the city, which in their minds was doomed to destruction. These panic stricken persons then sought safety in the Bowery and in Harlem, and nightly awaited the dread outbreak of a servile insurrection. Meantime the negroes, the cause of all this groundless fear, were being huddled into jail and terrorized into confessing the most improbable crimes. Upon this conflicting testimony several persons were condemned, after trials which conformed to all legal requirements of the day. Quack and Cuffee, two negroes, were the first to be executed. The poor wretches, protesting their innocence, were dragged to the stake through an angry crowd of spectators. Every

effort was made to extort a confession from them, and at length they made statements satisfactory to the magistrates. One of these now desired to delay the execution, but was deterred from doing so by the determined attitude of the by-standers. Fagots were piled around the negroes and the torch was applied. Hughson, his wife, and another white woman were hanged for participation in the supposed conspiracy. For several weeks, negroes were hurried to the stake, begging for mercy until their shrieks were silenced by the crackling flames. For days, the bodies of blacks hung in chains from the gibbets until the stench of decomposition became a menace to public health. By summer the panic at last subsided, and once more reason was restored.

What judgment of the whole affair is reached by an impartial investigation? An analysis of the available sources of information, including Horsmanden's *Journal of the Conspiracy*, leads one to doubt absolutely the existence of any such plot. In fact, Horsmanden admitted that even in his own time there were "some wanton, wrong-headed Persons amongst us, who took the Liberty to arraign the Justice of the Proceedings, . . . [and] declared That there was no Plot at all." [1] Whatever may be the facts, this instance of utter brutality forms a fitting interlude between the horrors of Salem witchcraft on the one hand and modern lynchings on the other.

Turning now from these serious offences against public order, we find accounts of numerous violations common to most communities, even at the present day. These acts varied in the degree of their gravity. From the court records we learn of such minor offenders as Joseph and Edward Anderson, who were arrested for grievously as-

[1] *Journal of the Proceedings in the Detection of the Conspiracy*, preface, p. v.

saulting a watchman who was marching them to the guard house for playing with a bat and ball during the time of divine service.[1] Gambling houses and their suppression constituted a serious problem even in colonial days. The evil results arising from their presence were fully understood by the better class of citizens, and they petitioned the common council "to suppress those Gaming Houses, especially all Billyard, Truck Tables and Cards &c: to which are owing the Impoverishment and Ruin of many in this place, who having contracted a habit of Gaming in their Youth, have not been able to Leave it till Reduced to meer Beggery."[2] Prostitution was a widespread evil and its suppression proved difficult. Raids upon brothels were frequent, and at times sharp conflicts between the inmates and the city watch resulted.[3]

In addition to the lawless deeds mentioned above, the municipality was frequently obliged to restrain the violence of mobs composed of its own citizens.[4] Executions were always well attended by a gathering, sympathetic or hostile, according to the effect of the offender's crime upon the public, and it often required a heavy guard to see that the law took its proper course. When feeling ran high in favor of the condemned man, threats would be made to rescue him from his executioners, and in such cases it became necessary to send for the garrison of the Fort to reënforce the civil officers.[5] Again, it was difficult at times to restrain a mob bent upon venting its wrath against one who had committed a particularly outrageous offense.

[1] Minutes of Quarter Sessions, May 4, 1738.

[2] *M. C. C.*, vol. iv, pp. 311-312.

[3] Minutes of Quarter Sessions, May 4, 1738. *Post-Boy*, Aug. 11, 1755.

[4] *Ibid.*, Jan. 7, 14, April 22, 1754.

[5] *Colden Letter Book*, vol. i, p. 165.

This survey of the disturbing factors in the city indicates that the problem of preserving order was quite difficult. It was solved partly by passing severe municipal ordinances against the disorderly classes mentioned above, and partly by maintaining a patrol of the streets.

The municipality was apparently unable to curb the lawlessness of the soldiers of the garrison, since these often were shielded by the provincial authorities. We even find Lieutenant Governor Colden reprieving a naval officer who had been convicted of murdering a woman.[1] Restrictive measures were passed against disorderly persons entering New York from other colonies or from the mother country. If an offender, brought before the municipal court, hailed from a neighboring province, he not only received punishment but also was sent from the colony.[2] In a vain effort to discover felons transported from England, all masters of in-coming vessels were required to give the mayor, within twenty-four hours of arrival, the names of their passengers.[3] A number of years later, the ordinance was modified to the extent of allowing sea captains but two hours to present their reports.[4] But even these regulations were not enforced by the city officers. Such conditions led persons to wonder why "Thieves, Burglars, Pick-Pockets, and Cut-Purses, and a Herd of the most flagitious Banditti upon earth should be sent as agreeable Companions" to the respectable citizens of New York.[5]

Occasionally the province entered the field of police legislation and enacted statutes to improve the moral tone of the inhabitants. The present anti-gambling law of New York

[1] *Colden Letter Book*, vol. i, p. 43.

[2] *Minutes of Quarter Sessions, op. cit., passim; Post-Boy*, Nov. 9, 1747.

[3] *M. C. C.*, vol. iv, p. 80.

[4] *Ibid.*, vol. v, p. 476.

[5] *Independent Reflector*, March 15, 1753.

State finds its counterpart in a provincial act "to Restrain Disorderly and Unlawful gameing Houses in the Colony of New York." [1] The provisions of another act were aimed at unscrupulous tavern keepers who were wont to have in their possession billiard tables and shuffle boards.[2] Such games of chance as dice and cards also were proscribed by this statute. Another law forbade the operation of private lotteries, which it appears encouraged "Labouring People to Assemble together at Taverns." [3]

Besides above mentioned legislative provisions for preserving order, the municipality maintained an administrative force, known as the "watch." A study of its organization is difficult, for, during the period under review, it was frequently changed. In December 1731, the common council passed an ordinance providing for a citizen's watch composed of all inhabitants living in the six wards south of Fresh Water Pond. Any one not wishing to serve in person was permitted to offer a substitute in "his, her or their Stead." [4] Women were therefore recognized as eligible for duty on the watch, but there is no record of a woman actually serving in that capacity in colonial New York. To prevent evasion of the ordinance, each alderman made a list of all residents in his ward, and, based on the population of each district, assignments for duty on the watch were fixed. Consequently every night at least eight able-bodied men began to watch at nine P. M. and remained on duty until four A. M. From October to March, however, they reported an hour earlier and served until two hours later in the morning.

[1] *Col. Laws*, vol. iii, pp. 460-462.

[2] *Minutes of Quarter Sessions*, May 3, 1749. *Minutes of Supreme Court*, May 21, 1759.

[3] *Col. Laws*, vol. iii, pp. 675-676.

[4] *M. C. C.*, vol. iv, pp. 122-128.

The officers directly in charge of the watch were the constables, two of whom were elected annually in each ward. The position of constable was so little desired by citizens that the common council imposed a fine of £5 or £10 upon those who, after being duly elected, refused to serve.[1] This penalty was imposed upon one Robert Bowne, who in 1742 was chosen constable for the Montgomerie Ward but declined on the ground that an acceptance of the position was incompatible with his religious tenets. Fortunately for Bowne, his stand was upheld in court by the chief justice, who declared that "no Quaker was Compellable to Serve [in] the Office of Constable itt being an Office of Trust."[2] The undesirability of the position of constable may be attributed to the onerous duties attached to it. In addition to serving as guards on certain nights, the constables were expected to notify inhabitants one day in advance of their turn on the watch. For any irregularities, such as "Neglecting or Refusing to Watch as Aforesaid, or being Drunk on the said Watch, or leaving his Watch before his time of Watching be Expired," the constable was liable to a fine of forty shillings.[3]

The officer at the head of the watch was the high constable, who was appointed annually by the mayor. At first it was customary to limit the tenure to one year, and to choose one of the constables elected for that year. But in time the selection was not confined to former constables; instead some prominent citizen was chosen who, as a rule, served for several years. The incumbents of this office acted without pay until 1773, after which date they were allowed £10 per annum.[4]

The high constable was, after all, merely the nominal

[1] *M. C. C.*, vol. v, pp. 156, 182, 277. [2] *Ibid.*, p. 82.
[3] *Ibid.*, iv, p. 126. [4] *Ibid.*, vol. viii, p. 98.

head of the watch, for the real executive officer was the supervisor. Under an ordinance of December 1731, this officer had many duties, for general superintendence of the watch was assigned to him. He was expected to take notice of absence from the watch on the part both of citizens and of constables, and to deliver the names of delinquents to the aldermen of the various wards or to the mayor on the next day. Robert Crannell, a marshal, was appointed supervisor by the common council in 1731 at a salary of £20 per annum.

A watch-house was erected in Broad Street in 1731, at a cost of £60. According to the report of a committee of the common council, it was a two-room brick building, the dimensions of which were twenty-eight by eighteen feet.[1] One chamber, fitted with chairs and tables, was for the use of the guards, while the other was for the confinement of prisoners arrested by the watchmen during the night. Several years later the corporation erected another watch-house for the accommodation of the men who were detailed to guard the city powder magazine during the year 1746, when an attack from the French was expected.[2]

The police system, as established in 1731, obtained only until November 1734, when a new plan was instituted. In place of a force composed of inhabitants who served but a few nights at a time, a fixed guard known as the "constables watch," was employed.[3] It was divided into two squads, each made up of five watchmen and a constable, and each doing duty on alternate nights. Each watchman received from the city £5 10s for five months' service, 20s being allowed in addition for "Encouragement to the Constables to be diligent and Circumspect in performance of the Dutys of their Office."[4] The corporation also supplied the watch

[1] *M. C. C.*, vol. iv, pp. 65-66.
[2] *Ibid.*, vol. v, p. 183.
[3] *Ibid.*, vol. iv, pp. 238, 239, 240.
[4] *Ibid.*, p. 239.

with necessary fire and light. New York was guarded by this force through the winter of 1734-1735.

During the following five years the corporation maintained a very irregular watch. Though it was deemed important to patrol the streets carefully in the long, dark nights of winter, the common council did not feel the need of employing the same guard during the summer months. Therefore, in May 1735, they reduced the number of watchmen from ten to six, and hired these only for a period of two months.[1] The number of watchmen varied also from year to year. In 1738 the force was increased to twelve, but in the following year it was reduced to three.[2] How this small group, hired only temporarily, could efficiently guard the lives and property of ten thousand persons it is very difficult to understand.

In 1741 the serious disturbances incident to the "Negro Conspiracy" undoubtedly taxed the powers of the feeble police force. The fear of further slave insurrections finally made the provincial government realize the inadequacy of the existing watch, and led it to establish in the city a guard of able bodied citizens called a military watch.[3] But in the same year this plan was abandoned, and the province permitted the common council to substitute a new night watch consisting of thirty-six men, divided into three shifts of eleven and one overseer.[4] Each group was on guard one evening in every three, from an hour after sunset until the beating of the reveille the next morning. For the payment

[1] *M. C. C.*, vol. iv, pp. 252, 253. [2] *Ibid.*, pp. 449, 460.

[3] *Col. Laws*, vol. iii, pp. 148-150. The "military watch" was so termed because it was usually an augmented force, heavily armed, and called out when an insurrection or an invasion threatened. *Assemb. Jour.*, vol. i, p. 809. Occasionally both a civil and a military watch were on guard at the same time. *M. C. C.*, vol. v, p. 163.

[4] *Ibid.*, pp. 43-44.

of these watchmen and for other local expenses, the provincial legislature permitted the corporation to raise a tax of £574 12s.

This system of a paid patrol continued until December 1742, when the corporation once more returned to the plan of a citizen watch. Serving on this watch or securing a substitute was undoubtedly an onerous task for the poorer New Yorkers, and we hear them complain, in 1747, that "Many of the Inhabitants of this City have three or four Sons And as Many Servants and Apprentices and all those with themselves Are Obliged to Watch in their Turns which falls out or happens About Once in Every four or five Weeks the plain Consequence Whereof is the Loss of fforty Shillings and Sometimes More to Every Such Inhabitant." [1] Therefore the common council petitioned the governor to relieve the corporation of the military watch and urged that one of the independent companies of soldiers be ordered down from Albany to protect New York. Not very long thereafter, the readers of the *Post-Boy* were overjoyed to read the welcome announcement that a company of fusileers had arrived from Albany.[2]

The plan of a military watch, however, appears to have continued in operation for a number of years while the struggle against Spain and France was in progress. True, a supplementary citizens' watch of seven men was ordered in addition to the military watch, and several constables were regularly paid for night duty, but no provision was made by the corporation for ordinary watchmen.[3] With the increase in the city's population, this system probably became very unsatisfactory. It was a difficult task for constables to keep accurate account of persons detailed for duty, and also it was a hardship for inhabitants of limited means to

[1] *M. C. C.*, vol. v, p. 196.

[2] *Post-Boy*, Oct. 5, 1747.

[3] *M. C. C.*, vol. v, p. 163.

spend either their time in serving personally on the watch or their money in securing a substitute. People of the better class naturally were not inclined to act as night guards, but preferred to hire others for this unpleasant work. Consequently, the personnel of the watch was not high. In fact, it was characterized as a " Parcel of idle, drunken, vigilant Snorers, who never quelled any nocturnal Tumult in their lives; but would, perhaps, be as ready to join in a Burglary as any Thief in Christendom." [1]

The common council returned to the system of a paid standing force in January 1762, and advertised for the services of several able-bodied persons as watchmen.[2] The new watch was under the direction of an overseer—this officer having taken the place of the former supervisor. One Isaac Stoutenburgh, who had served as overseer since 1743, was appointed to this position.[3]

Along with instituting a regular force, another important step in the interest of public safety was taken when a system of street lighting was ordered by the common council. This was in November 1761. Before that date the only ordinance dealing with this subject was one passed as far back as December 1697, which required that the occupant of " Every Seaventh house . . . in the Darke time of the Moon . . . [should] Cause A Lanthorne & Candle to be hung out on a Pole Every Night." [4] In time many citizens voluntarily suspended large lamps before their residences and shops in order that passers-by might detect any night prowlers trying to enter houses. But as these lights were not under the protection of the municipal authorities, mischievous persons delighted in breaking or otherwise molesting them.[5] We read in one account that " several of the

[1] *Gazette*, Feb. 21, 1757.
[2] *M. C. C.*, vol. vi, pp. 278-279.
[3] *Ibid.*, vol. v, p. 100.
[4] *Ibid.*, vol. ii, p. 23.
[5] *Col. Laws*, vol. iii, p. 855.

Glass-Lamps put up about this City, were taken down by persons unknown, and left whole in the Meal-Market altogether. It is thought to be done by some daring Rakes, in order to convince the Owners, how easy those Lamps might be demolished without Discovery." [1]

The first small beginning in the matter of illuminating streets at public expense was made in 1752, when the corporation ordered the purchase and erection of three lamps for lighting the entrances to the City Hall.[2] No system of general street illumination was attempted by the municipality until 1761, when application was made to the assembly for the privilege to levy a tax for the purchase of necessary supplies.[3] Permission was granted, and the lamps, a number of posts, and several barrels of oil were secured, and lamplighters were hired.[4]

After a committee of the common council had directed the locating and setting of the posts, the general care of the new street lamps was assigned to Isaac Stoutenburgh, overseer of the watch. He paid the lamplighters, purchased new lamps, wicks, oil, and other sundries. Stoutenburgh's method of settling accounts was very loose, for he submitted his bills for expenditures at very irregular intervals. Owing to this fact the common council finally made the overseer enter into a fixed contract to " undertake the Charge and expence of the said Lamps for one Year," at an allowance of £760 " for providing a sufficient quantity of Oyl for Lighting the said Lamps, paying the Lamp Lighters their wages, and furnishing them with Lamp wick and Candles, including his Trouble." [5]

[1] *Post-Boy*, Feb. 3, 1752.

[2] *M. C. C.*, vol. v, p. 358.

[3] *Ibid.*, vol. vi, p. 276.

[4] *Col. Laws*, vol. iv, pp. 573-576; *M. C. C.*, vol. vi, pp. 334, 343.

[5] *Ibid.*, vol. vii, pp. 211-212.

Despite large sums spent for the support of the lighting system, it was far from satisfactory, as the following complaint shows: "In the most dark and Stormy Nights, when Lamps are most Necessary, they are the latest and worst lighted, and sometimes not at all and particularly last Wednesday Night, when there was hardly any passing without Light, and there was scarce any Lamp lighted in the city." [1] Again, in answer to the query of a citizen as to "Why the public Lamps in this City have not been lighted for three Months past," the corporation pleaded that it was impossible to secure oil.[2]

The same provincial act which made provision for the lighting system included also an appropriation for a permanent force of watchmen. For the support of a system of street lighting and watching, between 1761 and 1775, the general assembly permitted the corporation to raise sums varying from £1,400 to £2,000 annually.[3] Out of these levies the common council hired persons for the task of guarding the city and of cleaning, lighting, and extinguishing the lamps. The board, in 1774, employed sixteen regular watchmen at a salary of £32 per annum to be on duty every night, and eight others at £16 for service on alternate nights.[4] Up to the time of the Revolution no important changes were made in the organization of the watch. Isaac Stoutenburgh was continued as overseer until his death in 1771, when he was succeeded by his brother Jacobus. The new overseer was given the services of an assistant, one Daniel Revaux, who was appointed captain of the watch. Thus after experiments with citizen guards and temporary watchers, the corporation finally established a paid force, fully organized with an overseer, captain, constables, and watchmen.

[1] *Mercury*, Feb. 7, 1763. [2] *Journal*, Oct. 8, 15, 1772.
[3] *Col. Laws*, vol. iv, pp. 573, 671, 970; vol. v, pp. 720-722.
[4] *M. C. C.*, vol. viii, pp. 15-16.

After thus examining the city's police organization, we find that it was generally inadequate to meet serious disturbances. When such occasions arose the common council had three means of supplementing the regular force. In the first place, a double watch might be ordered to deal with such minor disorders as were caused by riotous celebrations on Christmas and on New Year's Eve.[1] Ushering in the new year with a boisterous welcome is by no means a modern custom, for even in the colonial period we learn that " great Damages are frequently done on the Eve of the last Day of December, and on the first and second Days of January by Persons going from House to House with Guns and other Fire Arms, and being often intoxicated with Liquor." [2] Second, the watch might be reënforced by the city militia, as was done in order to suppress the riot resulting from an attack by a party of British soldiers upon the " New Gaol." The third means of strengthening the regular police was to call upon the garrison for aid. Thus, on one occasion, Lieutenant Governor Colden was notified that an attempt might be made to rescue two condemned criminals, John Higgins and John Anderson, for whom there was strong public sympathy.[3] Thereupon Colden ordered the Earl of Stirling, commander of the grenadiers stationed in the city, to place his men at the disposal of the civil authorities. The rights of the municipal officers were carefully respected by Colden, for we find him instructing the commanders of military forces to have " the strictest Regard herein to such orders as you shall receive from the Civil Magistrate attending for the Conservation of Peace." The show of military force apparently overawed all would-be rescuers, for both Higgins and Anderson were executed.[4]

[1] *M. C. C.*, vol. v, p. 141.

[2] *Col. Laws*, vol. v, pp. 532-533, March 8, 1773.

[3] Colden, *Letter Book*, vol. i, pp. 165-166. [4] *Mercury*, Feb. 22, 1762.

CHAPTER VI

Fire Protection

The growth of urban population during the past two centuries has rendered the problems of fire prevention and fire extinguishing increasingly difficult. For the prevention of fire, municipal authorities have enacted ordinances regulating the storing of combustibles, and prescribing materials for building construction. For the extinguishing of fire, local governments have provided fire organizations, pumping engines and water-supply systems.

Before describing the methods used in colonial New York, it is well to consider the fire hazards which then existed in the city. One serious menace came from the storing of highly inflammable materials in the more densely populated wards. Large quantities of hay and of straw were always to be found in stables and in the military barracks. The traffic in naval stores also tended to increase fire risks. Such combustibles as pitch, tar, resin and turpentine were being constantly sent from the northern forests to New York city, there to await shipment to England.[1] Gunpowder was often carelessly stored in various parts of the town. The danger arising from this practice was better appreciated after a fire which occurred in January 1772, when a building containing quantities of this material narrowly

[1] Petition, dated Nov. 1755, for liberty to build a storehouse for naval stores, in filed papers, city clerk's office.

escaped catching fire from an adjoining structure.[1] The lives of hundreds of spectators were thus endangered.

The fire hazard arising from the storing of combustibles was intensified by congestion of buildings on the lower part of Manhattan Island. The size of the city may be judged from the statement that in 1749 it included 1834 structures of which over 1700 were located below the present Duane Street.[2] Not only did the city, early in its history, earn the reputation of being a congested community, but it was also known for its high buildings. Peter Kalm noted that most houses were several stories high.[3] This in itself was regarded as a fire menace. The same applied to several tall church steeples, which were considered sources of danger in case of fire. When Trinity Church, for example, caught fire, the engines were unable to pump water to the roof of the edifice, to say nothing of the spire.[4]

Improvements in building material tended to minimize the danger from fire. In the construction of buildings, stone and brick in time came to replace wood. Several wooden buildings, including a few mills, were destroyed in 1737 by a fire which broke out in the house of John Roosevelt.[5] Because of the frequency of fires, fewer wooden structures were erected. By 1750, according to notes of Kalm, most of the houses were being constructed of brick.[6] The same writer, however, observed that the roofs were usually made of white fir or cedar

[1] *Journal*, Jan. 23, 1772.

[2] Manuscript written in copy of *Laws, Statutes, etc., of City of New York*, in N. Y. Pub. Library.

[3] Kalm, *Travels into North America*, vol. i, p. 249.

[4] *Gazette*, Feb. 26, 1750.

[5] *Journal*, Jan. 10, 1737.

[6] Kalm, *op. cit.*, p. 249.

shingles. When thoroughly dried through daily exposure to the sun, these frequently caught fire from sparks blown from fires nearby.[1]

Such were the fire hazards which perplexed both common council and provincial legislature, and led to the passing of acts relating to the storage of hay, straw, naval supplies and gunpowder, and to the regulating of materials used in building. After several fires caused by the ignition of hay racks, the common council passed a by-law regulating the storage of hay and straw.[2] Hereafter, no one was permitted to pile such materials in barracks, yards or gardens, but instead people were required to place them in closed buildings and away from any chimney, hearth or fireplace.

To reduce the number of fires caused by defective or dirty chimneys, the alderman and assistant of each ward appointed two chimney viewers who monthly inspected hearths within their district.[3] If, after being notified, an inhabitant failed to do the necessary sweeping. he was fined 3s; and if his chimney caught fire from such neglect he was compelled to pay 40s. This system of official inspectors or viewers apparently worked no better now than in the days of Dutch rule. The position was not eagerly sought after, especially since the inspector was fined 6s for each failure to perform his duty. Therefore, to keep the office filled, the common council laid a fine of 40s. upon anyone refusing appointment.

Occasionally judicial notice was taken of offenses against the chimney-sweeping ordinance. In February 1766, the grand jury found a true bill against one Peter

[1] *Post-Boy*, Sept. 11, Oct. 2, 1749.

[2] *M. C. C.*, vol. vi, p. 116.

[3] *Ibid.*, vol. iv, p. 82.

Mesier for having a chimney so small and so dirty that it often caught fire.[1] The chimney was considered to be a public nuisance and was ordered removed. However, violations such as those cited above were seldom punished, and fires caused by unswept chimneys continued to occur. To remedy this dangerous condition, the common council appointed a collector of fines, and empowered him to bring suit in his own name against offenders. Hearings in such cases were held before the mayor, recorder, or any one of the aldermen, and fines which they imposed were applied to the purchase of supplies for the municipal fire department.[2] This ordinance was still in force in 1773 when the common council appointed a new collector.[3]

The province, also, enacted legislation regarding fire prevention. It ordered pitch, resin, and turpentine transferred to a storehouse established by the corporation.[4] In 1761, the provincial legislature passed an act which aroused strong opposition in New York city. This statute ordered all new buildings erected south of Fresh Water Pond after January 1, 1766, to be constructed of stone or of brick, and roofed with slate or with tile.[5] The same roofing materials were to be used in repairing old houses. There was only slight objection to the clause of the act requiring brick or stone, as these were already in common use, but vigorous protest was made against the order calling for tile or slate roofs.[6] New York citizens succeeded in having the operation of

[1] Filed papers, city clerk's office. See also *Minutes of General Sessions*, Feb. 9, 1744, Feb. 3, 1748.

[2] *M. C. C.*, vol. vii, pp. 330-331.

[3] *Ibid.*, p. 409.

[4] *Col. Laws*, vol. iv, p. 573.

[5] *Ibid.*, pp. 571-573.

[6] *Manual* (1850), pp. 427-428.

the act postponed until 1775, when the legislature passed it again, together with several amendments.[1] In a vain effort to defeat the bill about 3000 owners of property in the city presented Governor William Tryon with a petition setting forth the difficulty of securing slate or tile. The outbreak of hostilities in the following year effectively checked the operation of the law.

An important step in improving means of extinguishing fires was taken by the common council in May 1731, when it ordered its first fire engines from England. To pay for the purchase and shipment of these, the provincial legislature authorized the corporation to raise the money through a direct property tax on the estates of the city's inhabitants.[2] Provided in this manner with the necessary funds, a committee of the common council negotiated with two merchants for the purchase of "Mr. Newshams New Invention of the fourth and sixth Sizes with suctions, Leathern Pipes and Caps and Other Materialls."[3] Before the close of the year, the city's first fire engines had arrived from London on the ship "Beaver" and were housed in a room of the City Hall.[4] The engine of that day was an oblong affair and rather small.[5] It was placed on heavy metal wheels and drawn by hand. Water was poured into the forward end by the bucket men, and on each side several men worked a

[1] *Col. Laws*, vol. iv, pp. 869, 1046-1048; v, pp. 743-746.

[2] *Ibid.*, vol. ii, pp. 645-648.

[3] *M. C. C.*, vol. iv, pp. 55, 56. The origin of the city's fire department is described in Sheldon, *The Story of the Volunteer Fire Department of the City of New York* (N. Y., 1882); also Costello, *Our Firemen* (N. Y. 1888), pp. 23-37.

[4] *M. C. C.*, vol. iv, p. 122.

[5] One of those early fire engines is in the possession of the Volunteer Firemen's Association of New York city.

handle which generated force sufficient to drive the water through a large pipe, by means of which the stream was played on the burning building.

In time additional engines were secured. In June 1741, John Moore was given £100 sterling with which to buy "as Large a fire Engine of the best make As that Sum" would purchase.[1] Moore in turn commissioned Baker Brothers to make the purchase. They struck a better bargain than was anticipated, having been able to secure two engines for the allotted sum.[2] In 1749 and again in 1758 the common council bought additional fire apparatus.[3] These were apparently the last ordered from abroad. For a number of years several inhabitants of the city had been busying themselves with models of fire engines, for as early as 1736 Jacobus Turk, a gunsmith, was given £10 by the corporation "to Enable him to go on with finishing A small fire Engine he is making for an Expiriment."[4] But it was not until after the Stamp Act troubles, when home manufactures were being studiously encouraged, that the first engine made in the colony was accepted by the common council. In 1772 a large engine was purchased from Captain Thomas Tiller, and another from one David Hunt, for £90.[5] A year later the corporation paid George Stanton for his services in constructing a fire engine for the West Ward.

When the corporation could boast of but two fire engines, the problem of housing them was solved by using

[1] *M. C. C.*, vol. v, p. 22.

[2] *Ibid.*, vol. v, p. 54.

[3] *Ibid.*, vol. v, p. 264; vi, pp. 137-138. By 1750 the city possessed six engines.—*Post-Boy*, Feb. 12, 1750.

[4] *M. C. C.*, vol. iv, p. 367.

[5] *Ibid.*, vol. vii, p. 366, 377, 463; viii, p. 13.

a room of the City Hall for the purpose.[1] Later a structure contiguous to the watchhouse on Broad Street was built for the new engines.[2] With the purchase of additional engines the common council, at very little expense, ordered the construction of sheds.[3] One building of moderate size was set up in Hanover Square to accommodate a large engine, fifty buckets and other apparatus.[4] The location of these engine houses depended upon the population of the neighborhood. At first only the thickly-settled wards possessed fire houses, but, not long after, in every ward a structure for housing the engine, hose, buckets, ladders and firemen's caps was built. Also, an engine and fifty buckets were kept at the workhouse for the protection of buildings such as the City Hall, the prisons and the barracks.[5] Another was stationed at the ferry in Brooklyn to prevent the occurrence of a fire similar to that of 1746, when the corporation sustained a heavy loss through the destruction of the ferry house.[6]

Part of the burden of caring for fire apparatus was borne by the inhabitants, who were obliged to keep a certain number of fire buckets in their houses.[7] A private householder was required to have one or two, according to the number of fire places in his house; a baker, three; and a brewer, six. Tenants were expected to procure the pails at the expense of the landlord. After a fire, buckets which had been in use were to be returned to their rightful owners, or, if not properly labeled, were to be delivered to the marshal at the City Hall. For

[1] *M. C. C.*, vol. iv, p. 122.
[2] *Ibid.*, p. 319.
[3] *Ibid.*, vol. v, p. 255; vi, p. 6.
[4] *Ibid.*, vol. v, p. 288, 300, 317.
[5] *Ibid.*, vol. vi, p. 122.
[6] *Ibid.*, vol. vii, p. 3.
[7] *Ibid.*, vol. iv, pp. 82-83.

withholding a bucket, a fine of 10s was imposed. In time the city provided each ward with a considerable number of pails labeled in such manner that they could easily be identified as municipal property.[1]

The fire engines were cared for and repaired by an overseer. After the creation of this position in 1733, the first to hold it was Anthony Lamb, who received for this service £3 quarterly.[2] In 1736 Lamb was succeeded by Jacobus Turk, who agreed to clean and repair the engines at an annual salary of £10, all material for repairing to be purchased at the expense of the corporation.[3] As the number of engines increased, Turk's salary likewise rose, first to £16, and later to £24.[4] Turk continued in this capacity until 1761, when he was succeeded by Jacobus Stoutenburgh.[5] The new incumbent, like his predecessor, was a gunsmith and so had mechanical experience. The duties of the two overseers who preceded Stoutenburgh, had been comparatively slight, but in his time the position assumed considerable importance. Accordingly, Stoutenburgh became known as "fire-engineer," and his salary was raised.

An organized force of firemen for New York city was first authorized in 1737, when, upon the petition of the common council, the provincial legislature passed an act empowering the corporation to appoint a number of "Strong able Discreet honest and Sober Men . . . to have the Care management working and useing the said ffire Engines and the other Tools and Instruments for Extinguishing of ffires."[6] The ward was used as a basis

[1] *M. C. C.*, vol. v, p. 264. [2] *Ibid.*, vol. iv, p. 175.

[3] *Ibid.*, p. 367. [4] *Ibid.*, vol. v, pp. 55, 454. [5] *Ibid.*, vol. vi, p. 255.

[6] *Col. Laws*, vol. ii, pp. 1064-1067. See also manuscript entitled "Incidents in the History of the Volunteer Fire Department in the City of New York," in Library of N. Y. Hist. Society.

for grouping the firemen in squads. Under this act, thirty were appointed in September 1738, making five for each ward, except the Out Ward, which had no fire company until 1772.[1] With the purchase of new fire engines in 1741, fourteen additional firemen were chosen, thus permitting about seven for each of the six wards.[2] The number was increased by subsequent acts of the legislature; so by 1772 the city was protected by a force of 163 members, divided into eleven companies, each commanded by a foreman.[3] The whole department was under the administration of Stoutenburgh, the fire chief, assisted by three engineers.

Along with the power of appointing firemen, the common council also possessed the right to discharge them, and frequently exercised this power. Such action was taken against John Dunscomb for "Contemptuously refusing to do his duty in attending the fire which happened Last thursday . . . after he was Ordered so to do by some of the Magistrates."[4] Again, Benjamin Ogden was removed by the common council, in response to a petition of the members of St. George's Square fire company, on the ground that his conduct was objectionable to his fellow firemen.[5]

The duties of the municipal firemen were similar to those of rural volunteers of the present day. At the ringing of the alarm bell at the City Hall, the men ran to the fire houses, hauled the engines to the fire and operated them under the direction of the city magistrates, the high sheriff or the overseer.[6] Provision was

[1] *M. C. C.*, vol. iv, pp. 436-438; vii, p. 387.

[2] *Ibid.*, vol. v, p. 43.

[3] *Ibid.*, vol. vii, pp. 385-387.

[4] *Ibid.*, vol. v, p. 215.

[5] *Ibid.*, vol. vii, p. 438.

[6] *Ibid.*, vol. iv, pp. 438-440.

also made by the Common Council for having fire drills "for preserving the Said fire Engines from decay." Absence from duty without reasonable cause was punished by a fine of 12s for every fire, and 6s for every drill. The city gave persons no pay for fire duty, except when they performed exceptionally daring acts. For example, on a cold, windy day in January 1747, the City Hall caught fire, and, according to an account in the *Post-Boy*, Francis Dawson opened the roof with an axe, directly over the fire.[1] The engines at the same time played water upon him, so that by the time the fire was out he was clothed with ice. For this work the common council voted Dawson £7, and presented him with the freedom of the city.[2]

Though serving without remuneration, firemen derived advantage through exemption from certain civic responsibilities. They were relieved from duty as constables, surveyors of highways, and jurymen, and could be summoned for military service only in time of extreme public danger.

Water for extinguishing fires was drawn mainly from town wells. For a long time buckets fastened on ropes or suspended from balance poles were used; but as early as 1741, pumps were ordered for the city.[3] Originally wells were six feet in diameter, but those made in later years were usually eight feet wide.[4] Wells might be constructed only after application to the common council. This step would be taken by residents on a street, by having their alderman present a petition to the common council. This body usually allowed £8 for each

[1] *Post-Boy*, Jan. 19, 1747. [2] *M. C. C.*, vol. v, p. 190.

[3] *Col. Laws*, vol. iii, pp. 181-184; *Manual* (1862), pp. 554-555.

[4] *M. C. C., op. cit.* vol. v, p. 445.

new well, although larger contributions are mentioned in the minutes. The remainder of the expense was borne by the inhabitants using the well; and, as the building of one was a costly undertaking, this was by far the larger part.

The repair of the town wells was regulated by several provincial acts. The first of these, passed in 1741, placed the maintenance of wells in the hands of the alderman and assistant of each ward.[1] They were authorized to install pumps wherever it was deemed necessary, to designate the number of residents for each well, and to assign an overseer in each district having a well. All repairs were paid by the overseers who submitted their accounts to the aldermen of their respective wards. All expenditures were met by the inhabitants of each neighborhood in the form of a special property tax collected by the overseer, who was allowed 1s for every pound he collected. Malicious practices, such as cutting well ropes and breaking pump handles, were dealt with in the same act, a fine of 40s being imposed for each offense. In 1753 another act of the legislature altered this plan.[2] According to the new law, instead of each alderman appointing overseers for his own ward, the common council annually nominated all of them. Besides being empowered to examine, clean and repair wells, each overseer was instructed to compensate anyone whose leather buckets were burnt, lost or destroyed in the course of a fire. To meet these expenses, an annual tax was added to the poor rate. This at first was limited to £120, but by later statute £200 was allowed.[3]

It was quite difficult to secure good drinking water

[1] *Col. Laws*, vol. iii, pp. 181-184, 400.

[2] *Ibid.*, pp. 942-947.

[3] *Ibid.*, vol. iv, pp. 944-945.

in the city. As the shore along the East River was low, brine penetrated underground and swamps were often formed, thus rendering the water very brackish.[1] Drinking water was available either from town wells or from private pumps; but, writes Peter Kalm, only "those who are less delicate in this point make use of the water from the wells in town."[2] Private pumps therefore were essential in order to secure good water, and the privilege of using them generally went with the sale of property, as is shown by an advertisement offering for sale a house of "two Tenements, and the Half the right of a Pump in the Yard."[3]

Toward the end of the colonial period, the common council conceived an ambitious plan for supplying water. A reservoir with a pumping plant and a conduit system was proposed capable of carrying a sufficient quantity of good water through the streets. In July 1774, Augustus and Frederick Van Cortlandt offered the corporation for this purpose their property on Great George Street, now Broadway above Chambers Street, at £600 per acre.[4] The common council agreed to purchase the northerly part at this price, "provided that upon Sinking a Well there, the Water shall be found of a good Quality."[5] As investigation indicated that the water was satisfactory, the corporation paid £1050 for the land. The work of excavation was promptly begun under the direction of a committee of the common council and an engineer named Christopher Colles. He was to receive £10 a

[1] *American Medical and Philosophical Register*, vol. i, p. 308.

[2] Kalm, *op. cit.*, p. 252.

[3] *Post-Boy*, Nov. 30, 1747.

[4] *M. C. C.*, vol. viii, p. 40. See also, Wegman, *Water-Supply of the City of New York* (N. Y., 1896), pp. 4-5.

[5] *M. C. C.*, vol. viii, pp. 43.

month for superintending the actual construction, while the committee of the common council was to make contracts, purchase materials and audit accounts. After the Revolution, Colles claimed that he had not received the sum of £450 which was due him for his services and for money advanced by him.[1]

In time, a spacious reservoir with a capacity of 20,000 hogsheads was erected at what is now the east side of Broadway, between Pearl and White Streets.[2] It was completely covered, for it was then believed that the rays of the sun had an injurious effect upon drinking water.

Having constructed a storage reservoir, it was then necessary to provide for a steady supply of water and for a suitable means of distributing it. The first problem was solved by digging a well thirty feet in diameter near the Collect Pond, where the "Tombs" now stands, between the present Pearl and White Streets. From this well, water was pumped into the reservoir by a steam engine which had the power of raising two hundred gallons, fifty-two feet per minute. The cylinder for this engine was cast in a local shop and was said to have been the first of its kind ever attempted in America.[3] This was indeed an indication that England's plan to suppress the metal industry in the colonies was doomed to failure.

It was planned to distribute the water through hollow logs laid through about fourteen miles of the principal streets. It was also intended to construct these pipes so as to offer quick communication with the fire engines, and to furnish a speedy and plentiful supply of water when-

[1] Petition of Colles in filed papers, city clerk's office.

[2] *Manual* (1856), p. 432.

[3] *Gazette*, Feb. 20, 1775; *Mag. of Am. Hist.*, vol. xiv, p. 315.

ever the need might arise.[1] It appears that these water works, including the reservoir and the pumping system, were completed, for we learn that they were placed under the care of Christopher Colles. But, owing to the outbreak of the Revolution, the conduit system was not built. The corporation, however, expended £1250 for over 70,000 feet of pitch pine timber, which was ordered shipped from Albany County.[2]

We see from this survey that the city was compelled to enter upon extensive projects in order to supply water both for extinguishing fires and for drinking purposes. It is probably fair to assume that the citizens at the time of the Revolution were drinking reasonably pure water. The provisions for safeguarding against fires proved generally adequate. In 1741 a serious fire destroyed the buildings of the provincial government, and the department was given a chance to show its ability to deal with a large conflagration. Aside from this, there was no menacing outbreak until 1776. In that year a great fire occurred, but as the civil government had been disrupted, owing to military operations, the municipal firemen had no opportunity to demonstrate their ability.

[1] *Gazette*, Aug. 1, 1774.

[2] *M. C. C.*, vol. viii, pp. 62-63.

CHAPTER VII

Regulation of Public Land and Streets

Previous pages have shown the activities of the municipality of New York in administering such functions as charities and correction, also its police and its fire protection. In the remainder of the work the corporation of New York will be regarded generally as an owner of revenue bearing property.[1] In this chapter an attempt will be made to explain such phases of the municipal land system as the boundaries of the city, its riparian rights, its title to the interior of Manhattan Island, and such property improvements as docks, bridges, roads and parks.[2]

The boundaries of New York city and of New York County have seldom been coterminous. Today the territorial extent of the former is greater than that of the latter. In the colonial period, the situation was just the reverse. The jurisdiction of the county of New York then was more extensive than that of the city. According to an act which the provincial legislature passed in 1691, the city and county of New York embraced all the islands in the Hudson and the East River, in addition to Manhattan.[3] The last mentioned alone was called New York city. Later, in 1731, the Montgomerie Charter

[1] *Col. Laws*, vol. ii, p. 596. See also Britton *vs.* Mayor of New York, 21 Howard, pp. 252-253.

[2] For topographical details, see Stokes, *Iconography of Manhattan Island, op. cit., passim.*

[3] Hoffman, *Treatise on the Corporation*, p. 79.

extended the jurisdiction of New York city, not only to embrace the surrounding islands, but also to include certain rights on portions of the shores opposite Manhattan.[1] Naturally this extension brought with it direct relations with the province of New Jersey on the west, with the county of Westchester on the north, and with that of Kings on the east. The first, being an inter-provincial matter, is foreign to our review of municipal affairs; the second will be discussed in relation to the subject of bridges across the Harlem River; the third will be described in the following chapter in connection with the establishment of the Brooklyn ferry.

Let us first consider the internal divisions of New York. In 1731 the city was divided anew into seven wards, the additional one being named in honor of Governor Montgomerie.[2] The lower end of Manhattan Island was known as the South Ward and was inhabited mainly by soldiers and by the officers of the provincial government. Under British rule, it will be remembered, the legislature held its sessions in New York city, then the capital of the province. To the east, embracing a strip of shore along the East River, was the Dock Ward. In this district the population included many sailors and longshoremen. The rest of lower Manhattan fronting on the East River, directly above the Dock Ward, was divided into the East and the Montgomerie Wards. William Street, running more or less parallel to the Hudson River, separated these two districts from the North Ward. The southern boundary of this section was Wall Street, on which thoroughfare stood several buildings of the municipal government. Adjoining the North Ward and extending to the Hudson was the West

[1] *Col. Laws*, vol. ii, p. 599.

[2] *Ibid.*, pp. 600-602.

Ward. Within this ward were the king's farm and other lands of Trinity Church. Upper Manhattan was known as the Out Ward, comprising the Bowery and Harlem divisions.

As a result of these definite ward divisions, two and only two boundary controversies arose. Both were concerned with the limits of the Out Ward. In one case a rivulet, running from Fresh Water Pond and emptying into the East River, had been the dividing line between the Montgomerie and the Out Wards. When this stream was filled up complications arose, but they were satisfactorily settled through an act of the legislature defining the boundary.[1]

Far more serious was the dispute between the corporation of New York and the town of Harlem. The political relations between the communities, both located on Manhattan Island, are nowhere clearly defined. It appears that Harlem, together with the Bowery division, formed the Out Ward of New York city. Although both divisions were represented in the common council by the same alderman and common councilman, each had its separate local tax collectors, assessors, and constables. In addition Harlem had a board of trustees.[2] This political arrangement worked without much friction, but the same cannot be said about the relations between the two localities regarding their boundary line. This controversy continued over a long period of time. In 1736 a division line was run.[3] With a view to settling their differences, the Harlem trustees gave the common council the privilege of running a partition line through the disputed territory.[4] After surveyors and chainbearers

[1] *Col. Laws*, vol. v, pp. 609-610.
[2] *M. C. C.*, vol. v, p. 298.
[3] *Ibid.*, vol. iv, p. 316.
[4] *Ibid.*, vol. v, p. 280.

had performed the field work and submitted their report, a conference of the two official bodies was held, in an effort to settle their difficulties without resort to the courts. Then followed wearisome negotiations, covering a period of over twelve months. Even this prolonged parleying was apparently fruitless, for both sides prepared to enter into litigation.[1] The New York corporation entrusted the defense of its title to Messrs. Abraham Lodge and Joseph Murray, the latter of whom was long the acknowledged leader of the New York bar. Before the case could come to court, the Harlem trustees offered to reopen private negotiations. This proposal was acceptable to the corporation, and an interchange of views on the boundary issues again ensued. For fully twenty years longer this contest continued. Yet it was not without advantage to the corporation, for in 1771, Thomas Jones, recorder of the city, held a conference with several Harlem inhabitants who claimed sections of the New York "Commons," as the land in dispute was known.[2] The recorder was successful in inducing three of the residents to surrender all title to this property in exchange for a lease from the corporation. Against the more stubborn claimants, the city brought suit for ejectment.

This tedious boundary tangle was brought nearer to settlement by referring the matter to arbitration, at the suggestion of Harlem, and an act creating an arbitration board was secured from the provincial legislature.[3] So important did the common council regard this matter, that at times as many as ten of its members attended the meetings of the commission.[4] Unfortunately their solici-

[1] *M. C. C.*, vol. v, pp. 339-340, 345. [2] *Ibid.*, vol. vii, pp. 272-275, 343-344.
[3] *Col. Laws*, vol. v, pp. 432-437. [4] *M. C. C.*, vol. viii, p. 4.

tude was not rewarded, for a decision adverse to the corporation was rendered by the arbitration board. Where formerly Harlem had claimed but an indeterminate commonage, it now received a clear title to a triangular tract of 290 acres south of its former boundary line. Hereafter the city of New York and the town of Harlem were divided by a line running diagonally across Manhattan Island.[1] It began on the east side at what is now Seventy-fourth Street, crossed Second Avenue at what is now Seventy-ninth Street, and Third Avenue at Eighty-first Street, and reached the Hudson River at the present One hundred and twenty-ninth Street. This award was indeed a serious abridgment of the corporate claims of the city.

One peculiar restriction was placed upon the power of the corporation to hold property by a section of the charter which declared that at no time should the corporation hold lands exceeding a clear annual rental of over £3000 sterling.[2] But, according to Chancellor Kent this restriction was inconsequential, because it applied only to the valuation of the municipal real estate at the time of the granting of the charter in 1731.[3] In that year the total revenue of the corporation amounted to less than £400, but Kent holds that no subsequent advance in the value of the property could affect the title of the corporation to it. The corporation's power of alienating any parcel of its property was vested in the common council. It exercised that function immediately after the granting of the charter. In fact, the corporation was brought to the point of parting with some

[1] *Col. Laws*, vol. v, pp. 841-844. Gerard, *Treatise on the Title of the Corporation and Others to the Streets, Wharves, Piers, Parks, Ferries, etc.* (N. Y., 1872), p. 77.

[2] *Col. Laws*, vol. ii, p. 631. [3] Kent, *Charter of N. Y.*, pp. 266-267.

of its valuable real estate as a result, probably, of bestowing £1,000 upon Governor Montgomerie in appreciation of his grant of the charter. This sum was raised by mortgaging seven lots which comprised two blocks between Moore and Whitehall, Pearl, Water and Front Streets.[1] This mortgage was paid off astonishingly soon when, within a year, the lots were sold at auction for £1344.[2] This sale marked the end of the policy of disposing of city property by the sale of the fee. Thereafter in the colonial period no land was fully conveyed by the city for cash payment, but, instead, an annual rental fee was demanded of all purchasers of water lots.

The real estate which the corporation sold may be classed either as upland or as shore property. After 1732 all inland lots were uniformly offered at an annual rental and for a specified term of years. This is seen in the case of the letting of a house and nineteen acres west of the Sawkill Bridge, in 1737, to one Nathan Macguire at a yearly rental of forty shillings, for a term of twenty-one years.[3] At times the corporation tried energetically to promote its surburban property by offering large parcels of land for rental. In 1762, land east of the highway to Kingsbridge was marked off into lots by the city surveyor and offered at £4 annual rental, for a term of twenty-one years.[4] In the following year thirty-one lots in what is now the Murray Hill district were staked off into five-acre parcels, and the corporation was successful in leasing the greater part of them.[5]

To this plan of leasing its inland property for a *definite* term of years, the common council made but few

[1] Black, *History of Municipal Ownership of Land on Manhattan Island* (N. Y., 1891), p. 27.

[2] *M. C. C.*, vol. iv, pp. 134-135.

[3] *Ibid.*, p. 420.

[4] *Ibid.*, vol. vi, pp. 287-288.

[5] *Ibid.*, pp. 333, 364.

exceptions. One case was the transfer of ten acres of swamp land, which included what are now the blocks between Eighteenth and Twentieth Streets on Broadway. In 1745 this property was granted forever to Admiral Sir Peter Warren at an annual rental of £4, in recognition of his services against the enemies of the kingdom. In this case the common council apparently deemed it pardonable to deviate from its usual policy.[1] Another departure was made in 1766, when the Reformed Protestant Dutch Church was given a perpetual lease to a piece of land to be used as a burial ground.[2] Nor was this the only church to receive so special a favor from the common council. In the same year the Presbyterian congregation, calling attention to a gift of land which Trinity corporation had previously received as a burial ground, petitioned for a grant of the land between Beekman Street, the Post Road and Nassau Street.[3] The common council acquiesced and gave the petitioners a perpetual lease of this land, on which stood for years the first Brick Presbyterian Church.

Two large tracts of swamp land on Manhattan Island were granted to New York citizens within the period now in review. The most extensive transfer was the grant of seventy acres to Alderman Anthony Rutgers. This enterprising city father obtained a patent from the home government in 1730, on condition that he drain the territory in question.[4] In 1734 Jacobus Roosevelt bought from the city for a sum of £200, which included £100 already paid for ten lots, a plot of four and one-half acres, known as Beekman's swamp.[5] This district in later years became the centre of the leather industry, a connection that has lasted to the present day.

[1] *M. C. C.*, vol. v, pp. 144, 148.
[2] *Ibid.*, vol. vii, pp. 4, 130.
[3] *Ibid.*, pp. 8-12.
[4] *Col. Docs.*, vol. v, pp. 914, 918.
[5] *M. C. C.*, vol. iv, p. 211.

Besides these lands, the other kind of municipal real estate was the shore property commonly known as "water lots," comprised in a strip of land extending from low water mark to a distance of 400 feet under the river.[1] It will be remembered that the common council, in its petition for a new charter, had asked that its rights to the waters around lower Manhattan might be enlarged. This request was granted, the crown not alone giving the city in fee the land between high and low water mark, but also augmenting its territory to include that lying under water to a line 400 feet beyond low water mark. This line was to extend along the Hudson River from a point south of Bestaver's Kill and on the East River south of Corlaer's Hook, but not to include the Battery at the southern apex of Manhattan Island.[2] In locating this grant on the present map of New York city, we find that it extended around the lower business section from a point on the North River near the foot of Charlton Street to the southerly side of Marketfield street, passing over Battery Place and recommencing at Whitehall Street on the East River, and thence continuing to a point near Houston Street.

These riparian rights of the corporation have been the cause of considerable litigation. In early years the city had difficulties with individuals desiring to build docks or to operate ferries. A century later these rights came into consideration when railroads became eager to secure freight depots and ferry communication with their terminals on the opposite shore, and when steamship lines manifested a desire to extend their piers for the accommodation of giant transatlantic liners. It should be borne in mind that there were three boundaries: high-

[1] *Gerard*, op. cit., p. 73, 83.

[2] *Col. Laws*, vol. ii, p. 600; Hoffman, *op. cit.*, p. 186.

water mark, low-water mark, and the 400-foot line. It should also be remembered that any grant made by the corporation prior to 1731 could have extended only to low-water mark, because the territory of the municipality did not extend beyond that line before the granting of the Montgomerie Charter.

When the owners of shore properties came to realize the significance of the newly acquired grants to the city, they became eager to purchase from the city the water lots that lay in front of their own property and thereby acquire that 400-foot territory. Many persons, anticipating the commercial growth of the city, sought to secure the water lots for docks and ferry landings.

As the common council was vested absolutely with the power of alienating such property of the corporation, all requests for water lots were directed to this body.[1]

Upon the receipt of a petition, it was referred to a committee of the common council. Three different recommendations were possible: to grant it, to deny it, or to "pigeonhole" it. Unfortunately the members of the common council, at that time, with utter disregard for the future, permitted these rich riparian rights to pass into the hands of a number of private individuals. In return for a paltry quit-rent, valuable water lots would be lost to the corporation forever. How greatly these properties increased in value in after years, when sites for ferry landings, railroad terminals and piers were sought, it is impossible to estimate. After the Revolutionary period the municipality awoke, only to find that much of its riparian land had been deeded away to private persons.

These transfers were not only shortsighted, but at

[1] *M. C. C., op. cit., passim.*

times even scandalous, for individual magistrates were often questionably involved in the transactions. The *Minutes of the Common Council* themselves are evidence of the fact that no member of this body ever petitioned for a water lot in vain. The same cannot be said of similar requests from citizens in general. Though it is true that a number of grants were made to officers of the provincial government and other prominent citizens, petitions were often quietly pigeonholed or summarily rejected. This palpable discrimination in awarding municipal lands provoked considerable criticism at the time. The *Independent Reflector* contains a scathing letter which states that the terms proposed in certain petitions for water lots were being denounced in all the coffee houses of the city.[1] One newspaper contributor, "Agricola," defends the petitions on the ground that the corporation had always granted water lots on terms agreed upon, between itself and the petitioner, and not at public vendue. The first writer answers this statement by declaring that even if preceding aldermen had done wrong, it was no excuse for the present incumbents to imitate their example. He also holds that the municipality, like a private person, was entitled to profit through a rise in the value of the water lots.

Though the common council continued to part with its riparian rights, it did retain several valuable strips, on which docks and wharves were erected. Until the middle of the eighteenth century, the corporation took very little interest in the development of its own waterfront property. Long before 1731, the city had built the "Great Dock," at the foot of Broad Street. Although commerce was growing rapidly, the common

[1] *Independent Reflector*, Feb. 1, March 1, 1753.

council for many years did not construct a new dock, but merely repaired and enlarged the old one. Even in this work of restoration it was delinquent, for it ordered improvements on the Great Dock only after several merchants had privately paid for needed repairs.[1] Again, this same dock was continually deteriorating through damage by winter storms and tidal action; but little or nothing was done toward improvement prior to 1750. This condition was due to the policy of the common council in refusing to appropriate for repairing or for cleaning the dock a single farthing not derived from the dock as revenue.[2] In 1751 the Great Dock received a thorough overhauling, when the municipality purchased scows and removed sixty loads of mud surrounding it. The shortsightedness of the policy which the common council had been pursuing was demonstrated by the fact that, before 1750, the returns to the city from the dock never exceeded the sum of £100 in any year; while in 1754, after improvements had been completed, the annual revenue rose to £380. With the increase in profits of the dock, the common council was more willing to appropriate money for lengthening and widening it.

Next in importance to the Great Dock, the city possessed on the East River another structure known as the Albany Pier.[3] It was an addition to Coenties Slip, for we learn that in 1750 a committee of the common council was appointed to run out a pier on the west side of Coenties Slip, and a large amount of money was ap-

[1] *M. C. C.*, vol. iv, pp. 57-58.

[2] *Ibid.*, p. 456.

[3] Though the Albany Pier is first mentioned in the *Minutes* (vol. vii, p. 77) in 1767, it appears on the Marschalck plan of the City of New York in 1754. Stokes, *Iconography, op. cit.*, plate 34.

propriated for the purpose.[1] The work proved more expensive than had been anticipated, for the common council was obliged to contribute additional sums before it was completed.[2] As two small piers of the old wharf had been so poorly constructed that vessels occasionally slipped from their moorings, especially in stormy weather, they were dismantled and the material was used in constructing the new pier. In 1765 a number of merchants suggested that £1000 be spent in extending the pier two hundred feet further into the river.[3] The corporation accepted the advice in part, but allowed only a small sum for the work.

On the North River the corporation did not possess a dock of importance until 1771, as the merchants of the city confined their warehouses to the East River. How the trend of shipping activities has changed! In colonial days business interests favored the East River rather than the Hudson, for the former was more sheltered from storms and from the wash of the tide, and also offered easy access to New England ports by the way of Long Island Sound. At present, the East River is used merely by local steamship lines, the transatlantic companies favoring the North River. It was not until just before the outbreak of the Revolution that a landing known as the "Corporation Dock" was completed.

Excepting the Great Dock, the Albany Pier and the Corporation Dock, all other wharves owned by the city were not worthy of the name, as they were nothing more than mere landings, used mainly by the small boats which brought food supplies to the municipal markets. In the Montgomerie Ward the corporation possessed

[1] *M. C. C.*, vol. v, p. 314.
[2] *Ibid.*, p. 371.
[3] *Ibid.*, vol. vi, pp. 410-411.

two slips, Beekman's and Burling's. In front of the Fly and the Coenties markets it had built two other landings; and it owned a fifth known as the "Old Slip." These wharves were so neglected by the common council that, on one occasion, they were condemned as public nuisances by the grand jury, and the city was compelled to expend a considerable sum toward renovating them.[1]

Though all these docks, piers and slips were municipal property, they were not operated by the city, but, as in the management of the ferries, were leased to the highest bidder. The arrangement between the lessees and the corporation was usually as follows. The rent was to be paid quarterly, was secured by a bond, and the city was not entitled to any of the profits arising from the use of the docks, as they belonged to the lessee.

Less clear were the arrangements regarding the maintenance of the docks. This work was divided between the two parties, the corporation was to make all necessary repairs, and the lessee was expected to keèp clear the wharves and their approaches.[2] However, the dockmaster usually neglected this duty and the entire work of maintaining the piers and docks finally devolved upon the corporation.

The dockmaster had several other duties to perform in addition to the collection of wharfage and cranage. As several vessels were frequently ready for unloading at the same time, he would assign berths for ships that were waiting. He was also expected to see that no fires were lighted between the hours of eight P. M. and daybreak on board vessels lying on the municipal docks, a regulation which no doubt caused hardship on cold nights.[3]

[1] *M. C. C.*, vol. v, pp. 113-114. [2] *Ibid.*, vol. iv, pp. 246-247.
[3] *Ibid.*, pp. 98, 170.

The dockmaster was also to warn captains of incoming vessels not to indulge in the ruinous practice of casting their anchors into municipal piers.

Such were the principles underlying the regulation of the public dock; a study of the actual supervision of the Great Dock shows that the rules were not strictly followed in actual practice. Andrew Law was the dockmaster after the granting of the Montgomerie Charter. In 1735 he secured the dock privileges, as highest bidder, for £83 10s, at an auction held in the tavern of Obadiah Hunt, who went security as Law's bondsman to the extent of £260.[1]

Law's three-year tenure was replete with difficulties, of which litigation was the chief one. The dockmaster claimed that a certain wharf between Wall Street and "Burnett's Key" was regarded in the terms of his lease as a municipal slip. Supported by the corporation, Law insisted upon his right to collect dock money from vessels lying at this wharf.[2] In asserting his claim, Law was opposed by one Thomas Barnes, and a suit followed before the courts. The case of Law *vs.* Barnes was first heard before the mayor's court, but, upon the suggestion of the justices, it was transferred to the supreme court of the province.[3]

Financial troubles as well as legal difficulties also disturbed the peace of mind of Dockmaster Law. Before he had been in charge a year, he was far in arrears in rent, and was threatened with prosecution by the corporation. However, the common council may have felt that the dockmaster was sufficiently plagued with the suit mentioned above, for the threat was apparently not

[1] *M. C. C.*, vol. iv, p. 248. [2] *Ibid.*, p. 314.

[3] *Ibid.*, pp. 409-410. The *Minutes of the Supreme Court* do not disclose the final disposition of this case.

executed. But at the expiration of his lease in 1738, Law was hopelessly in arrears, and when he died, in the following year, his goods and chattels were attached by the corporation.[1]

In 1738 the corporation again advertised the dock privileges at auction, this time at the inn of William English.[2] Some of the members of the common council were present at the sale, which was rendered more interesting by their partaking of the hospitality of the tavern at the expense of the city. The bidding was low, due probably to the misfortunes of the previous lessee; and the dock rights were finally "sold" to Abraham Elbertse for £61.

As the lease was for only a year, the dock was again auctioned in 1739. This time it went to Samuel Richards at the higher rental of £85.[3] A bond of £160 for the performance of the covenant was executed by Bartholomew Skaats, who himself fell heir to the dock lease in 1740 at a rental of £73. For the next thirteen years Skaats regularly renewed his lease, at times without going through the formality of a public auction. The financial relations between this lessee and the corporation were quite satisfactory, for the dockmaster was prompt in renewing his bond and in paying his quarterly rent. It was he who removed the many scowloads of mud which had accumulated in the Great Dock and at adjoining wharves. As several new slips had been built near the markets, Skaats deemed it advisable also to secure the lease of all the public markets.

Skaats' last lease expired in 1753. By this time the dock rights had been considerably enhanced by the im-

[1] *M. C. C.*, vol. iv, pp. 358, 467.
[2] *Ibid.*, pp. 421, 434.
[3] *Ibid.*, p. 457.

provements on the Great Dock, and by the extension of Coenties Slip. Although Skaats had usually paid less than £100 rental, the docks and wharves now were leased in 1753 for £235 to Luke Roome.[1] He was followed in turn by Garret Cosine and by Adolph Brass, both of whom made high bids for the dock rights. They were not as desirable tenants as was former Dockmaster Skaats, who, although giving a smaller rental, always paid promptly. The same cannot be said of his successors. Roome fell far in arrears in his rent, while Cosine owed the corporation £255 and Brass £234, when their leases terminated. In addition, the lessees failed to clean the slips, and the city was forced to expend £60 for this work. Fortunately the next dock-master, John Griffith, proved more trustworthy, for his bid of £500 was regularly paid. Luke Roome, who had shown himself an inefficient dockmaster in 1753, outbid Griffith, in 1766, by offering £620. Again Roome was unable to fulfill his obligations, and he prayed for an abatement of the rent. John Griffith again took up the lease in 1771, in partnership with John Bingham. The next year, the latter secured the lease for himself and held it until the outbreak of the Revolution.

In many respects the administration of the public docks resembles that of the municipal ferries, as the city operated neither of these public utilities, but leased them for terms of years to private persons. But there was a wide difference in the matter of regulating the rates on the ferries and on the docks. The province, it will be shown in the following chapter, exercised the power of fixing the charges on the municipal ferries—a right which even the corporation conceded in its petition for the Montgomerie Charter, when it asked for the

[1] *M. C. C.*, vol. v, p. 396.

ferries, "with such fees as Shall be Regulated by Act of Assembly."[1] But no such phrase appears in the next prayer of the petition, asking for all the "Docks Slips and Wharfs with Craneage and Wharfeage & all Other Profits which may Accrue thereby." This statement was embodied in the Montgomeric Charter, without any qualifying clause as to the power of the province over the city's docks. In fact, the exclusive control of the municipality over this property was respected by the provincial government, for it did not pass any act regulating the public wharves between 1731 and 1776. It did enact several statutes fixing the rates to be charged at private docks on Manhattan, the first being in 1734, when a schedule was set for a private wharf named "Burnett's Key."[2] Later the act was renewed by the provincial legislature, and expanded to cover other private docks in the city.[3] In 1770 the law was again renewed, and, with a slight amendment the following year, it continued in force until the end of the colonial period. All of these statutes definitely stated that no provision was to apply to docks or wharves belonging to the corporation of New York.

The common council, therefore, possessed exclusive power to determine the rates on municipal docks, a right which it exercised in two ordinances, one passed in 1731, the other in 1759.[4] In 1759 two schedules of rates were drawn up by the common council, one for coasting vessels from the ports of New York, New Jersey and Connecticut, the other for ships coming from the remaining colonies—from New Hampshire through to North Carolina.

[1] *M. C. C.*, vol. iv, p. 20.
[2] *Col. Laws*, vol. ii, pp. 847-849.
[3] *Ibid.*, vol. iii, pp. 437-440; iv, pp. 23-27.
[4] *M. C. C.*, vol. iv, pp. 99-100; vol. vi, pp. 168-172.

Besides ferries and docks. another improvement of the waterfront was the erection of bridges. In this work the corporation took no part, for the Hudson and the East Rivers were too broad to be spanned, and the Harlem, which alone was narrow enough to be bridged, was so distant from lower Manhattan, that the municipality had no direct interest in its development. Private individuals, therefore, financed the construction of the first three bridges across the Harlem River. The earliest was erected by Colonel Frederick Philipse, at the northern end of the Kingsbridge Road; the second, by Jacob Dyckman, at a point further down the river; and the third, by Colonel Lewis Morris, Jr., at Morrisania.

Until 1759, Philipse's bridge offered the only means of traveling by land from Manhattan Island to Westchester County. About this time Colonel Philipse's monopoly was broken through the efforts of an enterprising person named Benjamin Palmer, who planned to erect a second bridge across the Harlem river.[1] He entered into partnership, first with Jacob Dyckman, blacksmith and tavernkeeper, who owned a farm on the Manhattan side of the Harlem river, and then with Thomas Vermillia, who possessed land directly opposite on the Westchester shore.[2] Having secured, as a site, land a little to the southeast of Kingsbridge, Palmer's next problem was to raise funds for building his proposed bridge. This was accomplished by collecting subscriptions from private individuals. Palmer's difficulties did not end here, for he now encountered the active opposition of Colonel Philipse, who did not relish the prospect of a new crossing in competition with his own

[1] Edsall, *History of the Township of Kings Bridge* (N. Y., 1887), p. 17.

[2] De Voe, *Market Book*, pp. 63-65.

toll-bridge. In his hostility, it is said, Philipse even went so far as to have Palmer drafted into the British service, but fortunately the latter was able to secure a substitute. All these difficulties were finally overcome, and the "Freebridge," as the new crossing was called, was opened to the public, with fitting celebration, on New Year's day, 1759, by hundreds of persons from Manhattan and Westchester.

Traveling was soon diverted from Philipse's bridge to the new structure. The chief reason for this change was that exorbitant tolls were charged on the former, while free passage was permitted on the latter. The free bridge offered another advantage, as it shortened the route from New York to Westchester by half a mile. The new bridge was also made more accessible for travelers by the construction of a new road, joining the bridge with the Albany and the Boston roads. Four months after the opening of the new bridge so little traffic passed over Philipse's crossing that his bridge tender abandoned his lease and the Colonel was compelled to advertise in the *Gazette* for a new tenant.[1] By 1771 the bridge had become dilapidated, and the common council ordered its committee on roads to "confer with the Mayor of West Chester" concerning the repair of the structure.[2]

The next step in the process of spanning the Harlem was taken in 1774, when Colonel Lewis Morris, Jr., applied to the common council for permission to erect a new bridge.[3] In his petition he pointed out that the existing post road through Eastchester was inconvenient for travelers, as it was indirect and led over steep hills.

[1] *Gazette*, April 9, 1759.

[2] *M. C. C.*, vol. vii, p. 313.

[3] *Ibid.*, vol. viii, pp. 7-8.

To relieve these conditions, Morris and several of his neighbors agreed, not only to construct a bridge over the Harlem, but also to lay out in Morrisania a road which would be of a more nearly level grade, and shorter by over four miles than the former highway to Eastchester. The common council granted permission to erect the bridge, with the provision that it be devoted to the use of the public and not to private gain. The provincial legislature also gave its consent, but on condition "That in such Bridge there shall be three or more Apertures of at least twenty-five Feet each, for the Convenience of navigating the said River by Small Boats: And the said Bridge when so built shall be and is hereby declared to be a free and public Highway."[1]

Although the corporation of New York took no hand in the building of bridges, its jurisdiction over such improvements was apparently accepted. Morris recognized this fact, for in his petition he admits that he would not be permitted to build his bridge without the consent of the common council.[2] The Montgomerie Charter also confirmed the power of the city to establish "water courses and bridges."[3]

Concerning the land system of the city, the following information has thus far been given: its limits have been indicated; the legal capacity of the corporation of the city of New York for holding property has been explained; its interior lands, its water lots, such waterfront improvements as docks and bridges have been considered. It remains to note what steps were taken to develop the interior of Manhattan Island, especially in regard to the maintenance of roadways.

[1] *Col. Laws*, vol. v, pp. 708-709.

[2] *M. C. C.*, vol. viii, p. 8.

[3] *Col. Laws*, vol. ii, p. 613.

The legal rights of the corporation over public thoroughfares within the city were definitely established in various acts of the provincial government. Through the Montgomerie Charter, the municipality was given full power to lay out streets, lanes, alleys, and highways, a grant which few other local governmental units in the colonies ever received.[1] In some respects, however, the authority of the corporation over the streets was limited. In laying out new thoroughfares, for example, the city was forbidden to take any person's property without his or her consent. In case of consent the owner was reimbursed by the payment of a reasonable compensation assessed by a jury.[2] The power of the common council over urban roads was further defined in five provincial acts, all passed after the granting of the Montgomerie Charter. The purpose of these statutes was not to alter the general charter rights of the corporation, but rather to give specific direction or added sanction to the common council in the exercise of its powers. This "interference" on the part of the province, in the rights of the city over its streets, is regarded as proper by Chancellor Kent, who points out that the grant to the corporation is of a public and not of a private nature.[3]

A distinction must here be drawn between streets and highways. The former were the urban thoroughfares; the latter were the long avenues such as the Boston Post Road, Bloomingdale Road and Kingsbridge Road, the last extending from the lower part of Manhattan northward through Harlem. In the settled portion of the town the highways were crossed by streets which ran from east to west. Though both the city and the provincial

[1] Fairlie, in *Municipal Affairs*, vol. ii, p. 371.

[2] *Col. Laws*, vol. iv, pp. 838-842.

[3] Kent, *Charter of New York*, pp. 235-237.

governments exercised concurrent control over thoroughfares, the former paid more attention to the maintenance of streets, whereas the latter was more concerned in the upkeep of highways.

Let us first consider the administration of the highways. As they were opened long before 1731, our interest is limited to their maintenance. The province passed five acts after 1731 relating to the highways in New York County. The first of these statutes was passed in 1741, and applied to the Kingsbridge Road, which was ordered to be kept in repair by the inhabitants of all the city's wards.[1] The work was placed under the supervision of three surveyors, who were chosen by the justices of the peace at the court of quarter sessions held in February. Having ascertained what repairs were needed on the highway, the surveyors would summon the necessary number of inhabitants to assemble at a place selected by them, and to supply themselves with spades, pickaxes and other tools. The surveyors could requisition even horses and carts; a team and wagon, together with a driver for one day, being considered the equivalent of three days' labor. One who received notice was not compelled to appear in person, since he was permitted to send a substitute or to pay a charge of six shillings for every day's absence. Ten years later, the same regulations were extended by the provincial legislature so as to apply also to the Bloomingdale Road.[2]

These two acts operated very unsatisfactorily, as they offered an unjust and impracticable plan of highway maintenance. The injustice lay in the method of demanding the same contribution from the poor person as from the wealthy inhabitant who daily deepened the "Ruts with

[1] *Col. Laws*, vol. iii, pp. 162-166.

[2] *Ibid.*, pp. 844-847.

his gilded Chariot."[1] Besides this inequitable arrangement, the other defect in the statute was the unrestricted power given to the surveyors. Since they possessed the right to call upon every family in the city wards, either for personal service or for a fee in lieu of labor, there was ample occasion for defrauding the public. Apparently this opportunity was not lost by the colonial surveyor, for we learn that his depredations were so extensive that he was called "a mighty Robber." According to the *Independent Reflector*, the two thousand families of the city were called upon, at least twice a year, to work on the highways; and, as the majority of the inhabitants preferred to pay the fine instead of appearing in person or sending a substitute, the surveyors were able to collect large sums, so large that their own profits were estimated at £400 annually.

Notwithstanding these weaknesses, the two acts were not altered until 1764, when a more systematic plan for maintaining the roads was provided by the provincial legislature. Although the previous statutes had applied to only two highways, the new law called for the regulation of all roadways in the city and county of New York.[2] The defects of the previous acts were eliminated, for the administration of the repairs was transferred from the surveyors to the members of the common council, all of whom were appointed commissioners of highways. They hired laborers and surveyors, who were paid out of funds collected from a general tax on the inhabitants of the city. This act proved more satisfactory than the previous statutes on highways, as it terminated the "graft" of the surveyors, and consequently it was renewed in 1774.[3]

[1] *Independent Reflector*, Dec. 14, 1752.

[2] *Col. Laws*, vol. iv, pp. 838-842. [3] *Ibid.*, vol. v, pp. 655-658.

Thus we see that the administration and maintenance of highways was transferred from the surveyors to the common council, a body which was certainly more interested in good and efficient regulation of thoroughfares, Before this change in 1764, the common council had seldom concerned itself with the repair of highways. It did order such minor improvements as a survey of the road from Spring Garden to Fresh Water in 1736, also of a public highway from Queen Street to Fresh Water, and a payment for repairs on the road to Sawkill Bridge.[1] After 1765 the common council entered into active administration of the highways by ordering a levy of £300, in accordance with the new provincial act, and by appointing as surveyors Adam and Garrit Van Den Bergh and Adolph Benson.[2] These men were paid six shillings a day and were under the direction of a committee of the common council. This system obtained without change until the Revolution; the same amount, £300, was always raised, the same surveyors were always re-appointed; and a committee of the common council continued to direct the work of repairing the highways.

These are the legislative acts of the province and of the city in regard to highways on Manhattan. From the above analysis it is clear that the jurisdiction of the former over highways was more extensive than that of the latter. On the contrary, the municipality, and not the province, possessed complete control over streets. Provincial legislation on streets is contained in one act, which, in fact, expands the power of the city government, as it was given the right to pave thoroughfares contiguous to vacant lots at the expense of the owners.[3]

[1] *M. C. C.*, vol. iv, pp. 340-341; vol. v, p. 16.

[2] *Ibid.*, vol. vi, pp. 404, 412-413.

[3] *Col. Laws*, vol. iii, pp. 996-998.

The common council made use of this power in ordering the paving of Little Queen Street and also of Thames Street.

In contrast to this one act of the province, there were many ordinances of the municipality concerning streets. As most of the thoroughfares were opened in the Dutch or in the early English period, the street regulations passed after 1731 pertained mainly to grading, paving, and cleaning.

All matters of street regulation coming before the common council were usually referred to a committee, which generally included the alderman and common councilman of the ward wherein street improvements were being contemplated. The grading and leveling of streets offered a nice problem in colonial times, for lower Manhattan then presented a very uneven surface, especially in the Montgomerie Ward. In 1755 a committee was appointed to inspect all streets in this district and in the North Ward, and it submitted a detailed report which clearly shows that the task of grading was difficult.[1] The suggestions of the committee were accepted by the common council, and a number of streets were graded, among them being Queen, George, William, Ferry, Cherry and Frankfort Streets. Several hills in the Montgomerie Ward were razed, and such thoroughfares as Kleaft and Gold Streets were made more level.[2] In 1774 the board conceived the ambitious plan of leveling Golden Hill, one of the highest elevations on lower Manhattan. Objections were raised by a number of freeholders, who protested that their houses would be demolished if such a step were taken; but the work was ordered by the common council.[3]

[1] *M. C. C.*, vol. vi, pp. 25-26.

[2] *Ibid.*, pp. 337, 374.

[3] *Ibid.*, vol. viii, pp. 24, 26, 28.

More important than the leveling was the paving of the city streets. The common council frequently passed ordinances, compelling the inhabitants to pave and keep in repair the streets in front of their respective dwellings. The dimensions and the quality of the paving material were prescribed by the common council, the expense of this work being paid by the landlords of the adjoining premises.[1] The first of these ordinances was passed in 1731, and was continued throughout the colonial period with frequent revisions. After 1766 the common council showed considerable activity in paving the streets adjacent to public buildings, for pavement was laid around the Fort, and around Bowling Green, in front of the City Hall and of Old Slip Market, and on the streets fronting such wharves as Burling's, Peck's and Beekman's Slips.

A description of the material and of the method used in paving the colonial streets is found from various sources. From the colonial laws we learn that the pavement consisted of "sufficient Pebble Stones."[2] Some of this material was brought from places outside of New York city, as is shown by the order in the minutes to pay John Smith of Westchester the sum of £9 for three boatloads of paving stone, and £30 for "sundry Boatloads" in 1774.[3] The cobble pavement sloped from both sides of the street, at a descent of from six to seven inches, to the middle or channel (also written canal, kennel), which was left unpaved, as an open gutter to carry off surface water. As none of the ordinances make mention of sidewalks, it is doubtful whether there were any, unless the owners of the abutting property voluntarily undertook this improvement.

[1] *M. C. C.*, vol. iv, p. 105.

[2] *Col. Laws*, vol. iii, p. 996.

[3] *M. C. C.*, vol. vii, p. 418; vol. viii, p. 5.

Besides grading and paving, the common council faced the problem of street cleaning. According to an ordinance of 1731, all inhabitants residing south of Fresh Water Pond were ordered to sweep together on Fridays all the dirt in the streets contiguous to their houses.[1] This refuse was carried away by the city cartmen at the expense of the citizens, who paid seven pence, half-penny per cart, when loaded by the driver himself, or four pence, half-penny, when loaded by the inhabitant.

Several other ordinances were passed to free the streets from encumbrances and filth.[2] No one was permitted to obstruct the roads with such material as stones, bricks, planks and lumber. These, if not removed within a reasonable time, were to be carted away to the almshouse, and there to be sold, and the proceeds of the sale given to the church wardens. This ordinance was not to interfere with any person who was engaged in repairing or building a house. Again, everybody was prohibited from throwing garbage or ashes into the streets, alleys, or lanes; and a fine of 40s was laid upon any person who emptied ordure tubs into the streets.[3] In order to keep the channels in the middle of the streets clear, no one was permitted to sweep dirt into them on rainy days; also tanners and starchmakers were warned against pouring ill-smelling water into these drains.

In a large community waste matter consists of sewage from houses, excrement, garbage, and surface water formed from rains and snows. In New York city today the problem of disposing of such waste is solved by conducting it through drains and sewers to the surrounding rivers which carry it off to sea. The same

[1] *M. C. C.*, vol. iv, pp. 102-104.

[2] *Mercury*, July 5, 1773.

[3] *M. C. C.*, vol. iv, pp. 103-104.

method was used in colonial times, the Hudson and East Rivers being the ultimate depositories for the refuse from the town. As no sewers for getting rid of excrement were then constructed, all waste was carried at night in tubs to the waterfront and from there thrown into the rivers. This unsanitary custom became a serious menace when docks were built, as the wharves became covered with putrefying matter. Surface water was carried off by the open channels, which ran through the streets to the common sewer, a large chute extending along Broad Street, from the Fly Market to the East River. At first this sewer was of wood and without any covering, so that it had to be bridged at the cross streets, but later it was reenforced with stone and arched with heavy masonry.[1] Several other stone trunk sewers were also laid in Wall Street, near the Meal Market, and near Peck's Slip.[2] Also certain owners of houses situated near the water-edge were permitted by the common council to erect leaders, which drained from their dwelling directly into the river.

We are now confronted with several questions, such as: How successful was the city in regulating its streets? Were they well paved? Were they kept clean? Did the sewage system work satisfactorily? Judged at the time when the period under review begins, these questions would all have been answered in the negative. At the close of the same period, the old order had been changed, for a remarkable advance in municipal sanitation took place between 1731 and 1775.

The streets usually made a favorable impression on those who visited the city. Although Alexander Hamilton, a traveler from Annapolis, described the streets as

[1] *M. C. C.*, vol. v, p. 191; vol. vii, p. 337.

[2] *Ibid.*, vol. v, p. 370; vol. vii, pp. 252, 257.

"narrow and not regular,"[1] a more careful observer, Peter Kalm, stated that they were "very spacious, well-built, and most of them paved except in high places, where it has been found useless."[2] John Adams, who passed through the city in 1774 on his way to the Continental Congress, characterized the streets as "vastly more regular and elegant than those in Boston."[3] In fact almost all authorities agree that the thoroughfares, in later years, were well paved.

At first, the streets were not kept clean, and they, as well as the cellars of the houses, were filled with refuse.[4] These unsanitary conditions naturally led to the outbreaks of sickness. During the summer of 1732 more than six per cent of the white population died.[5] Again, in 1741 and in 1742, the city was visited by severe epidemics. The relation between unclean streets and these ravages was perceived by many officers of the government, and steps were taken to remove such evils. A grand jury called attention to the filthy condition of Wall Street and recommended that the dirt and puddles of water be removed before the coming of warm weather.[6] Again, Sheriff Ayscough in 1747 threatened with prosecution all those who would not immediately clear their doors and the channels before their houses of oyster shells and other offensive substances.[7] The common council also exercised its police power to pass a rigorous ordinance which commanded not only that all streets be kept clean, but also that owners maintain their premises free from filth.[8] As a result of these measures, the condition of

[1] Hamilton, *Itinerarium*, p. 51. [2] Kalm, *op. cit.*, vol. ii, p. 248.
[3] *Works of John Adams* (Boston, 1850), vol. ii, p. 348.
[4] *M. C. C.*, vol. v, p. 119. [5] *Gazette*, Nov. 15, 1732.
[6] Manuscript in Library of N. Y. Hist. Society.
[7] *Post-Boy*, March 2, 1747. [8] *M. C. C.*, vol. v, pp. 118-121.

the streets improved. No further complaints regarding them appear in later years.

Turning aside from highways to byways, we refer to the development of the first public park. In March 1733, the common council leased a piece of land at the lower end of Broadway, directly above the Fort, to John Chambers, Peter Bayard, and Peter Jay, to be "Inclosed to make A Bowling Green thereof with Walks therein, for the Beauty & Ornament of Said Street as well as for the Recreation & delight of the Inhabitants of this City."[1] The lessees received the grant in payment of a nominal sum for a period of eleven years. When the lease expired it was renewed for the same period of time at an annual rental of 20s. This time the lessees were John Chambers, Colonel Philipse, and John Roosevelt.[2] In March 1745, the lessees proposed to cover the ground with turf in order to put it in suitable condition for the bowling matches of the coming summer.[3] These extracts dispose of the more or less common belief that Bowling Green dates back to the days of the Dutch.

In May 1770, the little park was further improved by the setting up of an equestrian statue of King George III.[4] As early as 1771, certain New Yorkers were evidently not manifesting proper respect for their sovereign or for the public park, for we learn that the Green was becoming "a Receptacle of all the filth & dirt of the Neighbourhood."[5] To prevent the continuation of these conditions, the common council ordered a stone foundation for the statue and an iron railing for the Green. Furthermore, the provincial legislature felt called upon to pass an act which threatened any person who willfully defaced statues in New York city with a fine of £500.[6]

[1] *M. C. C.*, vol. iv, pp. 174, 177.
[2] *Ibid.*, p. 61.
[3] *Post-Boy*, March 18, 1745.
[4] *M. C. C.*, vol. vii, pp. 212-213.
[5] *Ibid.*, pp. 281, 290.
[6] *Col. Laws*, vol. v, p. 457.

CHAPTER VIII

Ferries of Lower Manhattan Island

Owing to the insular location of Manhattan, ferry franchises were of the highest importance to the corporation of New York. It will be seen from the following chapter on municipal finance that they proved the most lucrative source of income, at times reaching the sum of £970 annually. Still the ferry rights caused deep concern, for they involved the municipality in a political and legal contest with the town of Brooklyn. This struggle was carried before the executive, the legislature and the judiciary of the province, and resulted in action by all three departments.

Important executive grants relating to ferries were made by Governor Montgomerie in his charter of 1731. This gave the corporation the sole right "of Setling appointing Establishing Ordering and directing . . . Such and So many fferrys round Manhattans Island alias New York Island for the carrying and transporting people Horses Cattle Goods and Chattells."[1] A valuable concession was affirmed in the same charter, which granted the ferries on both sides of the East River, with all the vacant ground between high and low water mark on that part of Long Island extending from the east side of the Wallabout to the west side of the Red Hook.[2] This cession, which included the choicest water front of Brooklyn at Buttermilk Channel,

[1] *Col. Laws*, vol. ii, p. 613.

[2] Kent, *Charter of New York*, p. 211.

gave the municipality complete control over ferries across the lower part of the East River.[1]

The trustees of the town of Brooklyn were incensed because of this transaction, and they determined to break the ferry monopoly by appealing to the provincial authorities. They could expect little favor from the executive, since Governor Montgomerie, having granted this concession, was already deeply impressed with the claims of New York city. But they could appeal to the legislature of the province, which possessed an undoubted right to regulate affairs affecting the Brooklyn ferry. Certainly this lay entirely within the jurisdiction of the colony of New York. Even the corporation of the city of New York conceded that its ferry rights were subject to revision by the legislature.[2] This power was exercised in 1732 by the passage of an act which fixed the ferry rates, some of which are as follows: "For Transporting Every Person . . . two pence in Bills of Credit;" for every horse or beast one shilling was charged, and for every coach six shillings.[3] A large number of commodities together with their corresponding tolls was specified. One curious item provided that for every hundred eggs the ferryman was permitted to exact three as toll. The rates after sunset were double those charged during the day.

The same law contained a recognition of the right of Brooklyn residents to use their own boats for transporting themselves and their personal property across the East River, without paying ferriage to the corporation. This was, after all, merely a reassertion of a clause in the Montgomerie Charter which conceded to those persons having "plantations by the water Side between Wall-about and red hook

[1] Benson *vs.* Mayor, 10 Barbour, 230-232.

[2] *M. C. C.*, vol. iv, p. 20.

[3] *Col. Laws*, vol. ii, pp. 807-813.

the right of transporting themselves and their own goods only in their own boats from and to their respective Dwelling or plantations without paying fferriage." [1] Thus the right of the inhabitants of Brooklyn to ferry across the East River in their own boats, was clearly established both by the legislature, in the ferry act of 1732, and by the executive in the city charter of 1731. However, the corporation ignored these provisions and did not permit persons to cross the East River to or from New York City with ferriage free, even if they went in their own boats.

Pressure was exercised upon the assembly by Brooklyn in order to check the aggression of New York. Threats to deprive the corporation of its ferry rights and even of its charter were made. In 1737 a bill was introduced in the lower house, calling for the repeal of the ferry act of 1732.[2] During the debate, James Alexander arose in defense of the city and delivered a speech similar to those so often heard in our legislative halls in behalf of "vested interests." He held that the object of the bill was to divest the city of a legally vested right, and "as Things of that Nature are of the most dangerous Consequence, and tend to render Property uncertain," he moved its rejection. The house in general did not agree with him, but those supporting the city's interests succeeded in postponing definite action on the bill.

Though repulsed, the trustees of Brooklyn maintained a continuous fight against the ferry monopoly, and in 1745 made a vigorous attempt to have a portion of the provincial act on ferries repealed.[3] A petition was presented describing the hardships of those inhabitants of Brooklyn "who were debared from transporting their Goods in their own

[1] *Col. Laws*, vol. ii, p. 633. [2] *Assemb. Jour.*, vol. i, p. 730.
[3] Hoffman, *Treatise on the Corporation*, p. 282.

Vessels to the said [New York] Markets." [1] The supporters of the corporation's interests resorted to dilatory tactics. Upon the motion of Major Van Horne, representative of New York city, the common council was served with a copy of the petition.[2] Daniel Horsmanden, recorder of the city, and Joseph Murray were retained, with the result that action by the legislature was postponed until the following year.

The same subject was revived in April 1746, when a bill to secure ferry rights for Brooklyn was presented to the house.[3] It passed the first reading, but at the request of Captain Richards from New York city the second reading was deferred till the next meeting. Despite the arguments of Colonel Morris, the motion was carried by a vote of nine to eight, and the bill was then sent to the legislative council.[4] But Horsmanden was a member of this body, and probably through his efforts the bill was rejected.[5]

While seeking to gain redress in the legislature, the Brooklyn trustees also turned to the judiciary, and through one of their number, Hendrick Remsen, brought suit against the corporation of New York. This case is important in the legal annals of New York, because of the significant principle involved, the array of legal talent engaged by both parties, and the length of the litigation. The suit was brought to decide whether an inhabitant of Brooklyn possessed the right to cross the East River in his own boat, or whether the corporation had complete control over all forms of ferriage. To uphold its grants, New York city retained

[1] *Assemb. Jour.*, vol. ii, p. 93.
[2] *M. C. C.*, vol. v, p. 166.
[3] *Assemb. Jour.*, vol. ii, p. 103.
[4] *Ibid.*, pp. 117, 118-119.
[5] *Jour. Legis. Coun.*, vol. ii, pp. 936, 954-955.

James Alexander, John Chambers and Joseph Murray.[1] Brooklyn was successful in securing as counsel William Smith. For thirty years the case of Hendrick Remsen *vs.* Mayor, Aldermen and Commonalty of the City of New York was before the courts, and the controversy terminated only with the outbreak of the Revolution.

The cause for the action originated in June 1743, when the ferryman demanded 2s 1d from Hendrick Remsen for transporting himself and goods in his own boat.[2] Alderman Simon Johnson, after hearing both parties, rendered judgment against Remsen, and ordered him to pay the ferry charges with costs. This he refused to do, and so was ordered to be committed to jail. In December Remsen sued the city, William Smith acting as his counsel.[3] The case was transferred to Westchester, for it was believed impossible to secure an impartial jury for this case in Kings County.[4] In July 1744, the suit came before a trial jury in Westchester. A special verdict was found for the plaintiff on the grounds that "the East River over which the said Henrick did carry the persons and goods aforesaid, from the said lands between the Wallabout and the Red Hook, is a large and public and navigable river used by his Majesty's ships and by other ships and smaller vessels employed in trade and commerce, and hath always been so used from the first settlement of this Colony."[5]

On a writ of error, the case was carried to the supreme court. The corporation based its defense on charter rights, while Brooklyn claimed that even the charter of New York recognized unrestricted transportation across the East River.

[1] *M. C. C.*, vol. v, pp. 110-111.

[2] *Ibid.*, pp. 89-90.

[3] *Ibid.*, pp. 110-110.

[4] Parchment roll no. P. 230 - c 4, county clerk's office.

[5] Furman, *Notes, Geographical and Historical relating to the Town of Brooklyn, on Long-Island*, pp. 26-27.

The claims of New York to the land between high and low water mark on the Brooklyn shore were also denied. It was claimed by counsel for Hendrick Remsen that the charters, issued to New York city by Governors Dongan and Montgomerie, were subsequent to the grants of the water front on Long Island made by Director Kieft in the Dutch period. Hence it was argued that there was no vacant or unappropriated land between high and low water mark on the Brooklyn shore. The case thus continued for a number of years.

While still concerned in the suit, Hendrick Remsen apparently sought a settlement. Negotiations were opened relative to a ferry from his property, known as Remsen's Island, to a point near a pier of the corporation.[1] A number of New York citizens favored such a ferry and expressed this sentiment in a petition to the common council. Hearings on this matter were repeatedly postponed until, in May 1754, the request was rejected by a vote of ten to five.[2] After Remsen's death, the common council apparently tried to disengage his heirs from the case by granting them a water lot fronting their land on Long Island, this of course including docking privileges.[3]

After thirty-two years of litigation, the supreme court in 1775 gave Hendrick Remsen's heirs a judgment of £118, 14s 10d against New York city.[4] According to the decision, Remsen or any other resident of Brooklyn had the privilege of maintaining a boat on the East River and of landing at any point of the Long Island shore, provided he received permission of the owner. This verdict consider-

[1] *M. C. C.*, vol. v, p. 444; vi, p. 247.

[2] *Ibid.*, vol. v, pp. 442-443, 450, 452-453.

[3] *Ibid.*, vol. vii, p. 343.

[4] Parchment roll, P 230-c 4.

ably limited the exclusive ferry rights claimed by the New York corporation. The city made an appeal to the Privy Council early in 1776, but no action was taken because of the outbreak of the Revolution.[1] The decision of the supreme court was undoubtedly just, for the Montgomerie Charter to New York gave the privileges claimed by Brooklyn, but New York city had for many years successfully violated the rights guaranteed to its neighbor.

There was only one authorized ferry to Brooklyn. We shall now consider its administration at length. As in the case of the docks, the corporation, instead of operating the ferry, leased it to individuals. About every five years, the common council advertised the auction of the ferry franchise, and it was awarded to the highest bidder, who paid a specific rental every three months, and in return was allowed to keep all revenues arising from the ferry.[2] To insure the fulfillment of the lease, the tenant was obliged to deposit a bond of £1000. Although many violations of the terms of the lease occurred, this deposit was never declared forfeited. The main burden imposed upon the lessee was the requirement that he maintain the ferry boats at his own expense. In no case did the corporation expend money for such purpose. The boats were not expensive, for they were usually made of heavy, broad boards, with flat bottoms, and seldom had keels. They were navigated by oars, and by one or two sails. The cost of operation was low, for the boats were manned usually by negro slaves.[3] In time, other ferries besides the one in Brooklyn were established, but none was ever operated by the municipality. How satisfactory this plan proved, will be apparent from the following survey.

[1] Furman, *op. cit.*, p. 27.

[2] *M. C. C.*, vol. iv, pp. 175-176, 408-409.

[3] *Ibid.*, p. 461; v, p. 360.

The first lessee, within the period under review, was Theophilus Elsworth, who secured the Brooklyn ferry rights at an annual rental of £258.[1] In 1733, when Elsworth's lease expired, it was renewed with the rent reduced to £245.[2] A difference concerning the matter of repairs arose between Elsworth and the common council. The latter insisted that all repairs were to be made at the expense of the lessee, but, soon after Elsworth's lease was renewed, the common council voted £74 14s 3d for repairs on the ferry house, the barn and the "bridge."[3] Several months later, it paid £21 for beams, planks and shingles for repairing the ferry houses, and added £6 to the bill for liquor consumed by the workmen.[4] During all this time, the lessee failed to maintain the ferry buildings in good order. A committee of the common council reported that they conceived "it to be Mr. Elsworth's Duty at his own Charge to Repair the Landing Bridge &c; if any thing is wanting or Necessary to be done, and that the City Ought not pay or Contribute towards the Expence thereof."[5] Notwithstanding this statement, Elsworth refused to make repairs, and as a result the property fell into a wretched condition.[6]

The financial relations between the corporation and William Cornell, the lessee succeeding Elsworth, were also unsatisfactory. Though the rent was increased to £310, which was £65 higher than Elsworth had paid, this was not clear profit to the corporation.[7] In view of this increment, the common council assumed the entire burden of restoring the ferry buildings on Long Island, and allowed Cornell quite a sum for "dieting of Workmen & Labourers, Labourers

[1] *M. C. C.*, vol. iii, p. 430.
[2] *Ibid.*, vol. iv, p. 175.
[3] *Ibid.*, pp. 187-188.
[4] *Ibid.*, p. 202.
[5] *Ibid.*, p. 342.
[6] *Ibid.*, p. 418.
[7] *Ibid.*, vol. iv, p. 408.

Wages, Moneys paid for quit Rent, Expences of the Committee mending of Glass Windows and ferriage." [1] The ferry master was also relieved of the expense of maintaining a landing on the New York side, as several citizens living near the market house at Clark's Slip agreed to make all necessary improvements.[2] Even this public and private aid did not satisfy Cornell, for in 1739, upon his petition, he received a reduction of £65 from his rent to reimburse him for losses sustained by "the Spreading of Small Pox, which deters both strangers and Travellers from Coming to Town, and the Country People from Coming to Market as Usual." [3]

The practice of repairing the ferry house at public expense was continued under Richard Baker, the next holder of the lease. In August 1743, the common council appropriated £38 for general repairs, and again in November, £22 for glazing, painting and iron work. The following July, £66 was granted to Baker for "Dyett of the Workmen and Ferriage of Materialls Employed in Repairing the Ferry house." [4]

Upon the death of Richard Baker, his widow informed the common council that she was willing to surrender the lease, provided it were granted to Edward Willet.[5] The latter was successful in securing the lease, but was unfortunate in operating the ferry at the time that New York and Brooklyn were engaged in their dispute before the courts. Traffic on the ferry had also been reduced by an epidemic of yellow fever in the city.[6] For these reasons, Willet petitioned for an abatement, and the common council recognized the justice of his claim by subtracting £160 from his rent. Notwithstanding this concession, Willet was far

[1] *M. C. C.*, vol. iv, p. 453.
[2] *Ibid.*, pp. 460-461.
[3] *Ibid.*, pp. 413-414.
[4] *Ibid.*, vol. v, p. 123.
[5] *Ibid.*, pp. 139-140.
[6] *Ibid.*, p. 190.

in arrears.[1] In 1747 the lease was transferred to Daniel Bloom, at an annual rental of £455.[2]

In 1748 the ferry houses on the Long Island side were totally destroyed by a fire which, according to New York citizens, was started by inhabitants of Brooklyn in revenge for their defeat before the legislature.[3] The common Council without delay planned to erect a two-story stone house, forty by fifty feet in dimension, on a site bought of one John Suydam for £275.[4] As much material had to be ferried across the river, the cost of the building was thereby increased. The purchasing of supplies and the hiring of workmen were undertaken by a committee of the common council which met to accept bids every Thursday afternoon, from four o'clock to seven.[5] The supervision of the construction was entrusted to Assistant Alderman Henry Bogert, through whom several hundred pounds were expended for materials and labor.[6] The actual construction, such as the laying of beams, building the roof, and completing the mason work, was entrusted to Daniel and Peter Giraud.[7]

While the corporation was spending hundreds of pounds upon the ferry, it received poor returns. David Bloom paid his rent very irregularly, although it had been reduced in order to compensate him for losses sustained in the fire.[8] Even then the corporation found it impossible to collect £50 of his rent still due. In addition, he operated so few boats that the common council threatened to forfeit his lease, if he failed to "keep and maintain a Scow, a horse boat and

[1] *M. C. C.*, vol. v, p. 240. [2] *Ibid.*, p. 215.
[3] *Manual* (1862), p. 544.
[4] *M. C. C.*, vol. v, pp. 220, 222-223.
[5] *Ibid.*, p. 263. [6] *Ibid.*, p. 361.
[7] *Ibid.*, pp. 295, 297. [8] *Ibid.*, p. 303.

three other boats." [1] By the time his lease had half expired, Bloom, because of his difficulties, asked permission to transfer his ferry rights to Andrew Ramsey.[2]

In September 1750, this change was sanctioned by the common council, but, mindful of disagreements with previous lessees, it demanded definite guarantees of the new tenant. He was always to keep at least one scow and one boat on the New York side of the ferry. Vessels were to come to shore at the dock between Rodman's Slip and the landing at the foot of Wall Street; but, after dark, the ferryman might land his passengers at any convenient place. Later, Ramsey was compelled to see that "one of the said boats shall (wind and weather permitting) be constantly passing and repassing the said ferry, and that two boats shall not remain on the same side of the river at any one time." [3] Misfortune befell the lessee, for he lost two negroes and two boats.[4] Ramsay applied for compensation, but in this case no action was taken by the common council.

In 1753 the lease was granted to Jacob Brewerton and later it was renewed.[5] Affairs between Brewerton and the corporation were very favorable for the former. The erection of the ferry house was still in progress, and workmen employed by the city were boarded with Brewerton, who on one occasion received over £99 for such service.[6] While Brewerton held the lease, the corporation even paid for the illumination of the ferry house.[7] Again, his rent was reduced by £180 in 1767 for "encroachments made upon the rights of the ferry by the Army." [8] The most significant

[1] *M. C. C.*, vol. v, p. 251.
[2] *Ibid.*, p. 306.
[3] Stiles, *History of the City of Brooklyn, etc.* (Albany, 1863), vol. iii, p. 526.
[4] *M. C. C.*, vol. v, pp. 360, 366.
[5] *Ibid.*, p. 392; vi, p. 122.
[6] *Ibid.*, vol. v, p. 441.
[7] *Ibid.*, vol. vi, p. 232.
[8] *Ibid.*, vol. vii, p. 57.

precedent which Brewerton established was the shifting of town and county taxes to the corporation. In 1754 the common council allowed the lessee over £25 to compensate him for taxes on the ferry property on Long Island, collected by Kings County.[1] Thereafter, these taxes were regularly paid by the corporation. In addition to the provincial tax, the city of New York was compelled to pay also a considerable sum to Brooklyn, as the ferry property lay entirely within the jurisdiction of the latter. This tax was always paid grudgingly, and we read that "the mayor Acquainted this Board that the Buildings and Interest of this City at the fferry were Extravagantly Assessed by the Assessors of the Township of Brookland in a higher proportion than other Estates in the Neighbourhood."[2] A committee was appointed to consult with counsel in order to secure redress for the alleged excessive assessment.

In the next few years several lessees of the ferry followed in quick succession. An innovation was made in dividing the privileges between two holders, Captain Francis Koffler and William Pontine.[3] This double lease system lasted three years, after which the sole rights were given to Samuel Waldron for £660.[4] When, in 1770, his term was about to expire, Waldron requested a renewal without the usual public auction.[5] Although such procedure was contrary to all practice, the common council agreed to it, and rented the ferry at the low figure of £550.[6] Two years later Waldron died, and upon the petition of Nicholas P. Bogart the lease was transferred to him.[7] For some unknown reason, Bogart did not accept the lease, and the ferry rights were given to Adolph Waldron.

[1] *M. C. C.*, vol. vii, p. 205.
[2] *Ibid.*, vol. v, p. 234.
[3] *Ibid.*, vol. vi, p. 329.
[4] *Ibid.*, vol. vii, p. 14.
[5] *Ibid.*, p. 246.
[6] *Ibid.*, pp. 260-261.
[7] *Ibid.*, pp. 352, 354.

When Waldron's lease expired in 1774, several changes in the operation of the ferry were discussed by the common council. Common Councilman Benjamin Huggit proposed to abandon the policy of leasing the ferry, and instead to have the city operate it, appointing some one to superintend the ferry boats on the New York side.[1] This very sensible plan was defeated, but the suggestion to increase the number of ferries between New York and Brooklyn was accepted. It was decided to form three, one from Coenties Slip, a second from Peck's Slip, and a third from Fly Slip. Three separate leases, each of two years' duration, were executed in March 1774: the first to Elisha De Grushe, for £20; the second to Samuel Baldwin for £120; the third, including the ferry house, to Adolph Waldron for £230. The new lessees were expected to provide boats at their own expense, as follows: "the one, that purchases the middle ferry, to provide six Boats four Large ones & two small ones, and the two others that purchases the upper & Lower ferrys to provide two Large & one small Boats."[2] The leases were all granted upon the express condition that no reduction of rent should be allowed by the common council. Therefore, when Waldron made such a request, it was promptly refused.[3] Waldron, however, deemed it profitable to renew his lease.[4] The rights to the ferry from Peck Slip went to Thomas Ivory for £60.

From the facts above, the reader must be impressed with the failure of the plan of leasing the ferry rights to individuals. Seldom was the rent fully paid, for almost every lessee secured an abatement. Again, the expense of maintaining the ferry buildings in good order, and the payment of taxes, finally devolved upon the corporation. The only

[1] *M. C. C.*, vol. viii, pp. 6-7.
[2] *Ibid.*, p. 7.
[3] *Ibid.*, p. 79.
[4] *Ibid.*, p. 134.

real burden imposed upon the ferryman was the supplying of boats. The laxity of service is well brought out in a petition which complains of "wearisome delays" at the ferry. Surely the net revenue to the corporation would have been increased, had Common Councilman Huggit's suggestion been adopted. The gross income from the ferry must have been large, for the monopoly of transportation across the East River was complete, since the common council for many years steadfastly refused to permit competition by the establishing of more ferries to Brooklyn.[1]

For many years the ferry to Brooklyn was the only one operating from New York city. An attempt was made to establish a ferry other than on the East River in 1742, when Francis Covenhoven and Samuel Bayard petitioned for privilege to establish a ferry to Weehawken, a community on the Jersey shore of the Hudson River.[2] The common council deferred action indefinitely and then dropped the matter. The subject was revived in 1753, when two petitions were presented to the common council. John Ellison sought the sole right of ferrying from the Half Moon Battery on Manhattan to Dominie's Hook on the Jersey shore, for a period of seven years at a reasonable rental.[3] A month later, several citizens of the South Ward asked the corporation to establish a ferry to Harsimus from the foot of Pearl Street on the Hudson River.[4] No immediate action was taken on either of them.

In time, outside pressure compelled the common council to adopt a more liberal policy concerning additional ferries. Residents of Staten Island secured from the crown the grant of a ferry to New York city, and in 1755 the common council deemed it advisable to concede them ferry privi-

[1] *M. C. C.*, vol. vi, pp. 247, 252.
[2] *Ibid.*, vol. v, p. 67.
[3] *Ibid.*, p. 394.
[4] *Ibid.*, p. 395.

leges for a term of five years.[1] Ten years later, Archibald Kennedy, collector of the port, and William McAdams petitioned for the exclusive right of ferriage across the Hudson to New Jersey, and after a year's consideration the request was granted.[2]

The board had deferred action on Kennedy's petition because of the opposition of Cornelius Van Voorst, a resident of Bergen County, New Jersey. This man claimed that the exclusive grant to any one other than himself constituted an injury to him, as he had erected a ferry at Paulus Hook, New Jersey, and had constructed long roadways to it.[3] Therefore, he requested landing privileges on the New York side. After deliberation, the common council agreed to give Van Voorst ferriage rights for seven years at a rental of £40 per annum.[4] He was permitted to charge only such rates as the board fixed, and, after the expiration of his lease, he was to give the corporation free use of his landing in New Jersey. The lessee was to operate three large and two small boats between his land and the pier of Nicholas Roosevelt at the lower end of Thomas (now Cortlandt) Street. These arrangements lasted only a short time.

In March 1767, the ferry to Paulus Hook was rented at auction to Jacob Van Voorhis of New York city for £310 yearly.[5] This was covered by a bond of £1240. Question arose as to the location of the landing on the New York side, as Alderman Nicholas Roosevelt insisted that only his dock which had been used by Van Voorst should be used by the next lessee.[6] A majority of the common council thought otherwise, and Van Voorhis was given liberty to

[1] *M. C. C.*, vol. v, p. 47; *Calendar of Council Minutes*, p. 367.
[2] *M. C. C.*, vol. vi, p. 417; vii, pp. 2, 8.
[3] *Ibid.*, vol. vi, p. 436.
[4] *Ibid.*, vol. vii, p. 8.
[5] *Ibid.*, p. 62.
[6] *Ibid.*, pp. 61-62.

land at any point between what are now Cortlandt and Dey Streets. The lessee of the New Jersey ferry soon followed the practice of the Brooklyn ferrymen by asking for a reduction of rent. His plea was that the "Road across the meadow Between Powluses Hook in New Jersey, and the upland is at Some times Rendered impassible for foot passengers on account of Spring tides overflowing the same, to the Great Inconveniency of Travellers in Generall and to Your Tennants in particular by Lessning the Revenue of the ferry."[1] In March 1769, financial relief was again sought from the common council.[2] The petition disclosed the fact that Voorhis' partners in the ferry enterprise were Abraham Bussing and Peter and Abraham Mesier. In 1771 the last mentioned secured the lease in his own name at the reduced rental of £120, and three years later he secured a renewal at £210.[3]

A ferry to Hoboken was the last to be established during the colonial period. In February 1775, the common council granted Harmanus Talman permission to land boats at the Bear Market in the North River, for which concession the corporation was to receive £50.[4] Talman soon entered into active competition with Mesier's ferry to Paulus Hook, and the latter lost so much traffic that the common council allowed a reduction of £50 on his rent.[5]

Besides the public ferrymen, several private individuals operated boats across the Hudson to Hoboken, Staten Island and Elizabethtown.[6] Competition was keen, and occasionally unfair tactics were employed by rival owners. This is evident from the following statement of a ferryman who complains that his competitor "told a gentleman, who with

[1] *M. C. C.*, vol. vii, p. 74.
[2] *Ibid.*, pp. 114-115.
[3] *Ibid.*, p. 268; viii, p. 12.
[4] *Ibid.*, p. 78.
[5] *Ibid.*, p. 140.
[6] *Manual* (1862), p. 546.

five others, was going to my ferry that there was no boat there, where at the time I had two boats at Whitehall, by which unfair practices he has stopped many passengers at his ferry who were going to mine." [1]

Ferryboats in the early days were none too safe, and accidents frequently occurred. In October 1764, a vessel belonging to one Johnston, on its way to Staten Island with passengers, horses and carriages, upset and two men were lost.[2] The owner attributed the accident to the interference of the passengers in the sailing and steering of the vessel, and to prevent the repetition of such misfortunes Johnston promised to balance his boats with wood, thus making them more seaworthy.[3]

An idea of the hardships attending traveling by ferry may be had in the experience of Baron De Kalb. In January 1768, while crossing to Staten Island, the scow in which he was, grounded on a sand bar.[4] The passengers were forced to wait until morning before they could complete their trip. From this exposure several died, and some were so frozen that they lost toes or fingers.

Traffic on the ferries across the Hudson varied. It was probably lightest to Weehawken, which is located opposite the present 42d street. The boats to Hoboken were intended to carry produce to the city markets. Those to Paulus Hook were both for passenger and freight service, and were used especially in stormy weather, since they offered the shortest water journey.[5] As the stage-coach route from New York city to Philadelphia passed through Staten

[1] *Gazette*, June 30, 1764.

[2] *Mercury*, Oct. 15, 1764. [3] *Ibid.*, Oct. 29, 1764.

[4] Watson, *Annals and Occurrences of New York City and State* (Phila., 1846), p. 188.

[5] *Gazette*, July 5, 1764; Clute, *Annals of Staten Island* (New York, 1877), vol. i, p. 73.

Island, the ferry from that place was intended primarily to carry passengers.

Thus we see that, before 1730, New York city had but one public ferry. By 1776 at least half a dozen were paying rent to the corporation and were carrying passengers to and from all the nearby shores. In addition several private ferries were competing with these for traffic across the adjoining waters. This alone is an indication of the growth in importance of Manhattan during the later colonial period.

CHAPTER IX

Finance

In previous chapters the various undertakings of the city government have been described. We have seen the workings of the municipal political machinery, the methods of dealing with criminals, paupers and other dependents, the ways of preserving public safety, and the manner of operating such quasi-public enterprises as wharves, ferries, markets and waterworks. In this chapter the same activities will again be considered, but this time from the viewpoint of their financial management.

Although the chapter is mainly a study of the sources of municipal revenue, it is well to begin with a statement of the leading items of expenditure and with a description of the machinery for the collection of the city's funds. Some light has already been shed upon the disbursements of the city government. The amount paid to maintain the watch and the fire department was stated above, and the cost of constructing and operating such public properties as the City Hall, the poorhouse, the hospital, the jails, the docks and the ferries was also shown. These charges need not be repeated here and our study of municipal expenditures may therefore be limited to one field, the cost of operating the government.

Although the municipality, to-day, spends millions of dollars annually in salaries for its officers, in the colonial period the pay roll was almost a negligible factor. Few of the higher officials of the city received salaries, since they

were re-embursed through fees which were paid either by the corporation, or, as was more frequently the case, by the person for whom the service was rendered. The mayor, the recorder, the treasurer, and other officeholders were paid in this manner. Salaries were paid to many of the minor municipal officers. The public whipper, the keeper of the prison, the custodian of the poorhouse, the supervisor of the watch, and occasionally the watchmen, the overseer of the fire engines, the schoolmaster, and the town clerk received regular wages.. Payments were usually made quarterly or semi-annually, and it will be recalled from preceding chapters that the amounts were seldom high.

Besides financing municipal undertakings and paying the salaries of the minor officers, the city treasury was called upon to meet a number of miscellaneous expenses. Printing and stationery formed no insignificant item. For engrossing the Montgomerie Charter on parchment the sum of £29 was appropriated, and later the common council ordered copies of this grant printed for distribution among the public.[1] Likewise, a volume containing the municipal ordinances and all the laws of the province relating to the city was published.[2] Occasionally important ordinances of the common council were inserted in the columns of the local newspapers. The cost of these public advertisements is illustrated in one warrant allowing John Holt, the printer, £9 for advertising three by-laws.[3] This patronage was usually bestowed upon a printer favored by the political faction then dominating the common council. Before 1734 William Bradford, of the *Gazette*, received the printing work of the corporation, but after that year he was given only one job, John Peter Zenger, of the *Journal*, a supporter of the popular party, receiving all the rest.[4]

[1] *M. C. C.*, vol. iv, pp. 60, 232.
[2] *Ibid.*, vol. v, pp. 249, 252.
[3] *Ibid.*, vol. vi, p. 401.
[4] *Ibid.*, vol. iv, *op. cit., passim.*

The corporation also went to considerable expense to show its good will toward the sovereign and toward representatives of the crown in America. For instance, on the occasion of the king's birthday "the usual quantity of good Wine" was distributed through the bounty of the corporation.[1] Similar donations were made on the anniversary of the monarch's accession,[2] on Guy Fawkes Day (the fifth of November), and in celebration of victories such as the surrender of Cape Breton.[3] Sumptuous banquets were frequently held on the arrival of a new governor or of a general. The entertainment given in 1773 in honor of General Gage, commander of the British forces in America, cost the corporation over £61.[4] Whenever an honorary freemanship was bestowed upon a distinguished visitor, he usually received, at the cost of about £30 to the corporation, a reproduction of the city's seal, enclosed in a gold box, together with an engrossed address and the text of his "freedom."

The funds of the corporation were cared for by the city treasurer, or, as he was sometimes called, the chamberlain. To hold this office, one needed to be a freeman of the corporation, a resident of the city, and "A Person of good Ability and Reputation."[5] In addition, the incumbent had to place with the commonalty a bond of £1000. This officer was directly responsible to the common council, by which body he was appointed. Despite the fact that his appointment was only for one year, his tenure was usually very long. One incumbent, Cornelius De Peyster, was regularly chosen year after year, regardless of his age, his inability to collect the money from debtors, and his general inefficiency. It

[1] *M. C. C.*, vol. iv, p. 31; vol. v, p. 174.
[2] *Ibid.*, vol. iv, p. 62.
[3] *Ibid.*, vol. v, p. 151.
[4] *Ibid.*, vol. vii, p. 428.
[5] *Ibid.*, vol. iv, p. 115.

was also the intention of the common council to control the office of treasurer by requiring a report of receipts and of expenditures every three months, but it is doubtful whether these statements were regularly submitted. The only actual limitation on the treasurer was an annual audit made by a committee of the common council. Though this work was usually ordered in October, when the term of the board began, the report of the committee was seldom presented before the following spring. These audits, as entered in the minutes of the common council, are quite incomplete, presenting usually but four items, total expenditures, receipts, balance, and the commission of the treasurer. After 1760 even these meagre reports were seldom included in the minutes.

Though no salary was given the treasurer, he was permitted to collect substantial commissions. For example, of the money passing through his hands for the building of a jail and a pest house he was permitted to retain three-fourths of one per cent.[1] Again, on every pound raised through assessments on the property of the inhabitants of the city, he usually received a commission of 6d.[2] By the close of the colonial period, when thousands of pounds were handled by the treasurer, his compensation became excessive. In view of this condition, the recorder suggested to the board the advisability of allowing him a fixed salary, instead of commissions.[3] No action was taken on this proposal, and the treasurer continued to collect his fees.

The most onerous duty of the treasurer was to try to collect bad debts. His failure in his task is evident from the summary of the audits entered in the minutes of the common council. These figures show that the financial status

[1] *M. C. C.*, vol. vi, p. 87.
[2] *Col. Laws*, vol. ii, p. 1063.
[3] *M. C. C.*, vol. viii, p. 23.

of the corporation was especially low in 1756, when, with a balance of but £1 in the treasury, the debts totaled £2827.[1] Occasionally the treasurer was reminded by the common council that it was the "Duty of the Chamberlain or Treasurer of this Corporation to Demand Collect and Receive for the use of this Corporation all such sum and sums of Money Rents and Revenues . . . in Arrears to the Corporation."[2] A list of these debtors was frequently requested by the board. It was prepared either by the treasurer or by the auditing committee of the common council.[3]

The treasurer had at his disposal means of compelling the payment of arrears. In the first place, he could insert in the local newspapers an advertisement giving the names of all persons who owed money to the corporation, and demanding payment before a certain date on penalty of legal prosecution.[4] Upon non-payment of these debts, the chamberlain could then take action against these recalcitrants either in the mayor's court or in the supreme court.[5] In this manner Israel and Timothy Horsfield were sued for not paying the rent due on the market stalls which they had leased from the municipality.[6] On another occasion the common council ordered the treasurer to bring suit against the sheriff of New York county to recover £160 which that officer was unlawfully withholding.[7]

It is thus evident that the office of treasurer was a very desirable one. He was not hampered by any close supervision from the common council, and he was generously remunerated for his services. Aside from the collection of corporate debts, these services were never very burdensome.

[1] *M. C. C.*, vol. vi, p. 49.
[2] *Ibid.*, vol. iv, p. 419.
[3] *Ibid.*, vol. iv, pp. 19, 116.
[4] *Ibid.*, vol. v, p. 292.
[5] *Ibid.*, vol. iv, p. 7.
[6] *Ibid.*, vol. iv, pp. 489-490.
[7] *Ibid.*, vol. v, p. 82.

Additional city officers who aided in the administration of the municipal finances were the vestrymen, the assessors, and the collectors. We need not dwell here upon the duties of the first, for we have mentioned them in the chapter on "Charities and Correction." The position of the second, however, should be described in some detail. This office is of particular interest, as taxation by assessment received its earliest development in New York in the colonial period.[1] Every year, on election day the voters of each ward chose two of their number as assessors. These were duly sworn in with the other officers on the fourteenth of October. It was the duty of the assessors to ascertain the value of all assessable property within their respective wards and submit their reports to the town clerk.[2]

The assessors apparently received no remuneration for their work, for no mention of any reward is made either in the provincial statutes or the municipal ordinances. The collector of taxes on the contrary was paid for his services. He was usually entitled to 9d on every pound which he paid to the treasurer, who acted as the receiver of taxes.[3] Though two assessors were elected in every ward, only one collector was chosen. The voters had need to exercise caution in selecting a person for this office, since any loss suffered through the dishonesty of a collector was sustained by the taxpayers who had elected him.[4] If a collector failed to turn into the treasury the quota required of the ward, an extra assessment was levied upon the inhabitants over whom the defaulting collector had jurisdiction. The corporation

[1] Rosewater, *Special Assessments* (N. Y., 1893), Columbia University Studies, vol. ii, no. 3, p. 372.

[2] *M. C. C.*, vol. iv, p. 426.

[3] *Col. Laws*, vol. ii, p. 1063.

[4] *Ibid.*, vol. iii, pp. 275-277.

required of each collector bonds for the full performance of his duty.[1]

The system of financial administration described above is undoubtedly open to criticism. The loose control over the treasurer, the inefficiency of the vestrymen and the unwise plan of electing assessors and collectors, all proved costly to the city.

Having mentioned the main items of expenditure and having described the machinery for managing the finances of the city, we turn to a consideration of its sources of revenue. These may be arranged under five general heads: (1) franchises and improved properties of the corporation, (2) taxation, (3) loans, (4) public lotteries, and (5) paper money.

The first of these was the steadiest and most dependable means of income. Though the municipality drew upon other sources to meet extraordinary financial emergencies, it relied on the returns from its franchises and properties to meet the regular expenses of government. By totaling the annuities from ferries, docks, markets, public lands, buildings and licenses, the development of the city's income may be traced. From the table presented below, it will be seen that in 1730 the returns from these sources were small. As the Montgomerie Charter brought valuable water rights to the corporation, its revenue increased. Despite the intercolonial wars and the Stamp Act disturbances, the returns continued to rise until in 1767 the sum of £3333 was collected. Thereafter the income of the corporation declined, until in 1772 it had fallen to £2717.

[1] *Col. Laws*, vol. v, pp. 529-531.

MUNICIPAL REVENUE FROM FRANCHISES AND PROPERTIES IN POUNDS, OVER FIVE-YEAR PERIODS [1]

	Ferries	Docks	Markets	Lands	Water Lots	Buildings	Licences
1730	£246	....	....	£28	....	....	£91
1735	243	....	....	5	£33	£2	89
1740	307	£73	....	7	65	2	....
1745	370	90	£105	7	68	2	194
1750	455	110	159	7	99	5	180
1755	650	305	190	40	142	50	172
1760	650	500	245	122	196	50	524
1765	800	550	385	501	225	100	180
1770	970	690	250	374	460	60	230

For many years the returns from the revenue-bearing properties and franchises of the corporation were barely sufficient to meet expenses, and there was no surplus sufficient to meet any extraordinary demand. This was the situation in 1730, when the municipality was desirous of purchasing two new fire engines at a cost of £240.[2] At this time the total revenue of the city scarcely exceeded £360, and, as the need of new fire apparatus was urgent, money had to be raised through a general levy upon the real and personal property of the inhabitants.[3] The right to levy such a direct tax was not granted to the corporation in any of its charters, but could be exercised only when sanctioned by the provincial legislature. Before the tax could be levied, the common council had to submit a formal application to the legislature. A special law for this purpose was then enacted.[4] Although direct taxes were levied almost yearly

[1] From Ledgers nos. 2 and 3; Journals nos. 2, 3, 4, Corporation of the City of New York.

[2] *M. C. C.*, vol. iv, pp. 48, 149.

[3] Durand, *Finances of New York City* (N. Y., 1898), p. 19.

[4] *Col. Laws*, vol. ii, pp. 646-647.

after 1762, the custom of requiring special authorization by the legislature was maintained.[1]

These special laws always placed limitations upon the taxing power of the municipality. The usual restrictions were those upon the gross amount of the tax, the time limit for collection, the manner in which it was to be levied, and the specific purposes for which it was to be expended. Every act usually fixed the maximum sum which the corporation was allowed to collect. For example, the statute of 1730 ordered that the proposed tax was not to exceed the allowance of £300, current money of the colony. The time within which the tax was to be collected was usually the same, the corporation being generally given six months from the publication of the act. The methods of assessing and collecting taxes were specified in various provincial acts. They described the properties which were to be taxed, steps which could be taken to prevent non-payment, and the duties of assessors and of collectors. Almost every act contained the same statement regarding persons who were amenable to taxation. It was uniformly stated that the tax should be levied on "the Estates Real and Personal of all and every Freeman Freeholders Inhabitants Residents & Sojourners within the said City."[2] Apparently this sweeping order subjected all property of all persons within the city to taxation, but for a long time taxes were placed only upon real property. This state of affairs continued as late as 1734, tax books for that year indicating assessments only on houses, lots, grounds and other real estate, and showing no levies on personal property.[3]

[1] Since the colonial period, the city has secured considerable freedom from external control of its finances. Fairlie, *Centralization of Administration*, p. 186.

[2] *Col. Laws*, vol. ii, p. 646.

[3] Tax and Assessment Books, two volumes, comptroller's office. Schwab, *History of the New York Property Tax* (American Economic Association, 1890), pp. 62-63.

As taxes became more burdensome, and as the value of personal property increased because of growing profits in trade, the demand that those not holding land bear an equitable part of the burden of taxation became insistent. In time, this attitude was also taken by the provincial legislators, who in 1741 passed an act against itinerant merchants.[1] Many of these persons in the past had successfully evaded paying taxes by absenting themselves from the city until after assessments were completed. By the new law any one who came into the city for the purpose of selling merchandise, after the taxes had been laid, was required to submit a sworn statement of the value of his or her wares. This act apparently accomplished its purpose, and it was renewed.[2] Other acts of the provincial legislature tended to relieve the taxes of landowners. In 1758 a law was enacted which aimed at shifting the payment of taxes on rented lots or houses from landlords to leaseholders and to tenants of the property. As the former method of taxation had been "found to be Uncertain & Unequal," the statute also provided that "all Real Estates in the City & County of New York, Shall . . . be Rated or assessed, at two third parts of the Rent, or Yearly Income of the Same."[3] In 1770 the legislature passed a law which placed a severe penalty on those concealing property from the tax collectors.[4]

As the legislature always defined the purpose of the levy, the history of direct taxation may be conveniently traced. Since 1693 the tax for the support of the ministry and of the poor in New York city had been levied with more or less regularity. But as this statute had been enacted through the efforts of Governor Benjamin Fletcher, to establish the Anglican church, and not at the request of the city,

[1] *Col. Laws*, vol. iii, pp. 179-181.
[2] *Ibid.*, pp. 449-451, 1142-1143.
[3] *Ibid.*, vol. iv, pp. 306-309.
[4] *Ibid.*, vol. v, pp. 83-85.

it can scarcely be regarded as marking the inauguration of direct taxation by the municipality. Rather it may be said that this practice was initiated through the passage, in 1730, of an act empowering the mayor, aldermen, and commonalty to raise money, mainly for the purchase of two fire engines.[1] This statute differs from other acts on direct taxation, in that it permitted the corporation to levy the tax for three consecutive years, subsequent acts usually allowing a tax to be collected only once. If the corporation desired a tax to be repeated a second year, the original authorization was reënacted into law.

For the next twenty-five years, direct taxes were seldom levied. One tax was levied in 1737, when the corporation was permitted to raise £250 to pay some of its accumulated debts.[2] Four years later the so-called negro conspiracy brought about the establishment of a night watch, and, to defray the charges of maintaining this special force, the legislature permitted the municipality to collect £574.[3] In 1746 two small levies were authorized: one for £36, the other for £80 for paying the salary of the representative of the city in the assembly, and for the fees of the coroner.[4] Another small tax for repairing the public wells and pumps was added to the poor rate in 1753, this being the only tax regularly collected in the city.[5]

After 1756 direct taxes were levied regularly to meet the heavy expenses of the city government. War, which was draining the coffers of European nations, did not spare the treasury of the city. It was compelled to erect barracks for quartering troops, and a new jail for receiving prisoners of war.[6] In addition, several worthy municipal undertak-

[1] *Col. Laws*, vol. ii, pp. 645-647.
[2] *Ibid.*, vol. ii, pp. 1061-1063.
[3] *Ibid.*, vol. iii, pp. 158-162.
[4] *Ibid.*, pp. 542, 619-620.
[5] *Ibid.*, pp. 942-947.
[6] *Ibid.*, vol. iv, pp. 211-213.

ings were begun. One of these was to render streets safer by providing public lamps and hiring additional watchmen. The allowance for this purpose was levied every year, and was added to the poor rate.[1]

The city needed funds for other public enterprises. The water front especially required improvement in order to accommodate the growing commerce of the port, and to this end the corporation planned to build a pier at the west side of Coenties Slip at an initial cost of £700.[2] The municipal revenues were insufficient for this purpose, and the common council was apparently unwilling to raise the amount through taxation. The corporation, thus forced to seek other means of securing money, entered upon the policy of borrowing from its wealthy citizens, and of giving bonds covering twice the amount of the loan. The first of these loans was negotiated in 1750, when the corporation borrowed £260 from Christopher Bancker.[3] To this citizen therefore belongs the distinction of being the first holder of New York city bonds. In the following year a second loan was made, this time of £600, and later a third indebtedness to the amount of £350 was assumed.[4]

From the terms of these three bonds, it appears that the corporation regarded the policy of borrowing money as merely a temporary expedient, for every agreement between the municipality and the bondholder stipulated that the loan was to be paid back within two years. But it was far easier to contract such debts than to discharge them. Therefore, when the time for redeeming the bonds came, the common council deemed it advisable to secure the consent of the holders to a renewal. In order to do this the bonds were

[1] *Col. Laws*, vol. iv, pp. 392, 573-576, 671-673.

[2] *M. C. C.*, vol. v, p. 371. *Vide supra*, p. 152.

[3] *M. C. C.*, vol. v, p. 314.

[4] *Ibid.*, pp. 342, 371.

made more attractive by raising the interest on them from six to seven per cent.[1] Unfortunately, political conditions did not favor liquidation of municipal debts, and the assumption of new debts was encouraged.

About this time the last intercolonial war began. The seriousness of this final struggle with the French was fully appreciated by the city councillors, for, in order properly to equip the poorer citizens, they ordered one thousand stacks of firearms from England. To expedite the shipment of these military supplies, a large sum was immediately required. The revenues of the city fell short of the required sum, and taxes, which required the authorization of the legislature, could not be raised in time. Therefore, the common council was again forced to secure the necessary amount through loans, this time from Alderman Oliver De Lancey, and from the Hon. John Watts, each giving £729 16s 1d sterling.[2]

By 1756 the bonded debt of the city had grown to an alarming extent. The high interest rate of seven per cent made the common council anxious to alleviate its financial burdens, and accordingly a policy of contraction was pursued during this year. No new loan was made, and steps were even taken to cancel some of the old bonds. The municipality operated a lottery, and used the proceeds to discharge four bonds.[3] The loans from De Lancey and from Watts were canceled, partly from a surplus in the treasury and partly by a new loan of £1000, negotiated in 1757.[4] The corporation was fortunate in securing this bond at the low interest rate of five per cent.

From this year until the outbreak of the Revolution, the financial policy of the corporation alternated between ex-

[1] *M. C. C.*, vol. v, p. 471.
[2] *Ibid.*, pp. 21-22.
[3] *Ibid.*, pp. 47, 54-55.
[4] *Ibid.*, vol. vi, pp. 97-98, 104.

pansion and contraction. In 1758 and 1759, new loans amounting to several thousand pounds were assumed in order to discharge the obligations of old ones.[1] During the next four years only three loans were negotiated. The disturbed political conditions incident to the passing of the Stamp Act, however, curtailed the revenues of the municipality, and to meet the growing deficit thousands of pounds were borrowed. The corporation soon found difficulty in meeting its obligations, and many of the loans could not be paid off, so that at the beginning of the war with the mother country New York city owed £13,000.[2] This sum we may regard as marking the origin of the bonded debt of New York.

The rate of interest paid by the city varied. Some of the earlier bonds called for a return of seven per cent, but those made between 1757 and 1763 yielded only five per cent. Through the efforts of Alderman John Bogert, holder of several bonds, the rate was raised to six per cent. It remained at this level until 1771, when all bonds calling for six per cent interest, were withdrawn and a new lot at five per cent was issued. This lower rate was maintained until the Revolution.

The bonds were purchased by many prominent individuals and by several local organizations. Among the bondholders were such well-known New Yorkers as Oliver De Lancey, Henry Cruger, and Pierre De Peyster. The New York Marine Society, the Reformed Dutch Church, and the New York Hospital also held city bonds.

One means of raising funds already mentioned was through the operation of public lotteries.[3] Against this

[1] *M. C. C.*, vol. vi, p. 429.

[2] Black, *Municipal Ownership of Land*, p. 30.

[3] Ross, *History of Lotteries in New York*, pp. 13-22.

method even reputable citizens had no scruples. The plan was first tried by the provincial legislature in 1746, when it ordered a lottery for the purpose of raising £3375 to strengthen the fortifications of New York city.[1] The act of the legislature required the members of the common council to attend the drawing of the lottery tickets in order to assure prospective adventurers of a fair distribution.[2] Though the common council had supervision over this lottery, it in no way added to the income of the corporation, since the entire proceeds went into the treasury of the province. It was not until 1756 that the city of New York made use of public lotteries to secure money for its own needs. As in the case of taxation, the sanction of the legislature was required. Accordingly, the common council addressed a formal petition setting forth the need of £3000 for importing 1000 stacks of arms.[3] Since the corporation was deep in debt and could not raise the entire amount through loans without injuring its credit, the legislature was asked to give its authorization to a municipal lottery. The request was promptly granted.[4] The proceeds of this lottery were not directly devoted to the purchase of arms, for it will be recalled that the corporation in its haste had already given bonds for the purpose, and in consequence the funds from this lottery were used to discharge several loans.[5] Another lottery was later held to provide for the erection of a new jail for the accommodation of prisoners of war.[6] Additional lotteries for the erection of city prisons and for the enlarging of the City Hall were authorized before the close of the colonial period.[7]

[1] *Col. Laws*, vol. iii, pp. 528-538. [2] *M. C. C.*, vol. v, p. 176.
[3] *Ibid.*, pp. 20-21. [4] *Col. Laws*, vol. iii, pp. 1127-1129.
[5] *M. C. C.*, vol. vi, pp. 94-95. [6] *Col. Laws*, vol. iv, pp. 126-134.
[7] *Ibid.*, pp. 160-162, 202-210. *M. C. C.*, vol. vi, pp. 80, 326.

The last of the five forms of financing city undertakings was the issuing of bills of credit. The occasion for striking these notes arose in 1774, when the city planned to construct water works.[1] Several issues were put out until, within two years, they represented a face value of over £9,000.[2]

What general conclusions may we reach as to the condition of the city finances toward the close of the colonial period? Several facts lead us to the belief that it was far from sound. The expenditures were always met with difficulty, for, in addition to the items discussed above, the municipality was subjected to a constant drain in the form of a heavy poor rate and the burden of paying one third of the taxes of the province. Meanwhile the disturbed conditions following the Stamp Act riots injured commerce and made heavy taxes more burdensome. Taxation proving insufficient, bonds and paper money were issued in large quantities. The beginning of hostilities, however, put a sudden end to the issuance of bills of credit before this system could become a serious menace.

[1] *Vide supra*, chapter on "Fire Protection."

[2] *M. C. C.*, vol. viii, pp. 59, 103, 114.

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